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THE CIVIL WAR AND READJUSTMENT IN KENTUCKY

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BY

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THE CIVIL WAR AND READJUSTMENT IN KENTUCKY

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PREFACE

From the standpoint of sectionalism the border states have always stood out with peculiar interest, and at times their actions have been difficult for people then as even now to understand. It would likely be disputed by no one that Kentucky has pursued a more remarkable and enigmatical course than any of her sisters. From pioneer days on down she has attracted the attention of the rest of the country in a greater degree than is, perhaps, true of any other state. She has tended to be different, and in that difference there has come to stand out a distinct individuality. How she would respond to the Civil War was for the two sections of the country at that time a perplexing question, which they were forever trying to answer, but which they were almost invariably answering wrong. The state was simply different and seemed to be doing always the unexpected. During the Reconstruction period she was again in the limelight, doing again the very opposite from what was expected—at least from what was expected by the North. As was often remarked at the time, she waited until after the war to secede.

The purpose of this study has been to find out what was typical in the history and character of the state during the period of the Civil War and of readjustment that followed, and to explain as far as might well be done the Kentucky individuality. As will appear, the border position of the state with the varied forces from both sections at play upon her must be considered fundamental and decisive.

It was under the inspiring instruction of Professor Carl Russell Fish, of the University of Wisconsin, that my interest in history was developed, and I here make grateful acknowledgment of it. For various courtesies during this research, I wish to thank Mr. John C. Fitzpatrick, of the Library of Congress, and Mr. Townsend Cushman, formerly of the same institution, Mr. E. A. Henry, of the Library of the University of Chicago, the library staffs of the Library of the University of Wisconsin and of the Library of the Historical Society of Wisconsin, and Misses Florence Dillard and Carry Hunt of the Lexington Public Library, Lexington, Kentucky. I am also grateful to Judge

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E. M. C.

ATHENS, GEORGIA.

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THE CIVIL WAR AND READJUSTMENT IN KENTUCKY

CHAPTER I

THE LAND AND THE PEOPLE

Rivers, mountains, and plains, fertile soil and poor, racial strains and early experiences—all tend to set a people apart and stamp them with an individuality. In addition, place them on a borderland between two diverging civilizations, and that individuality becomes more marked and complete. Thus, only, can much that is peculiar to Kentucky be explained. Kentucky, among all the states of the Union, has long held a position of special importance and significance. Pronounced characteristics desirable and otherwise have always been associated with the Kentuckian. In the early days of westward expansion he was the true frontiersman, with coon-skin cap and long rifle, reclaiming the wilderness from the savages and subduing the forces of nature. The best boat-builders on the western waters were Kentuckians, and the most skillful boatmen and pilots were likewise Kentuckians; but, nevertheless, the popular imagination also made the Kentucky rivermen the wildest and most desperate characters in human form. Once Kentuckians were scheming plotters and conspirators, willing to sell themselves to the Spaniards, to the French, or even to the British; two decades later they were patriots whose equal could not be found throughout the Union. As time went on, it was still the custom to think of them as being apart from the people of the other states surrounding them. As between Indiana and Illinois, little or no difference might be noted; but, as between either of these and Kentucky, a new race would likely be conjured up. The Civil War, its causes and its results, gave additional proof that Kentuckians were not like other people.

Just what the Kentucky character was, and how it was formed, should go far in explaining the attitude the state took in this great upheaval and during the period following. It has become a custom to refer to the Kentuckians as "cradled in the Revolution" and nurtured in the Indian wars that accompanied it and followed for more than a quarter of a century. During the early part of the struggle they fought the Indians and the British with scant aid or attention from Virginia, the mother state; and after they became a separate state in the Union, for a decade they were

thoroughly beset with the conviction that the Federal government looked upon them with scorn and refused to give them proper aid. Under these conditions they came to the conclusion that their destiny lay in their own hands; and the logical result was the development of a feeling of responsibility and individuality. An outstanding example of these qualities was shown in the attitude the state took toward the War of 1812, when it at times acted as if the western phase of the struggle were peculiarly its own. Upon the crumbling of American resistance after the fall of Detroit, Kentucky arose as the savior and protector of the West. Her governor, without waiting for the Federal government to act, appointed William Henry Harrison commander of the troops west of the Alleghanies and set about raising ten thousand recruits for him.

By this time there had also been burned deep into the Kentucky character an intense love for the Union, the more remarkable when compared to earlier feelings. For the first quarter century of the struggling existence of this pioneer commonwealth, its experiences with the Federal government and with the East had given the Kentuckians little feeling of kinship or identity of interests with the Union. Through ten successive conventions they had labored for separation from Virginia and for a position of equality in the union of the states, repeatedly resisting the alluring beckonings of Spain. Statehood, however, did not bring with it peace and prosperity, and a solution to the distressing problems of the West, so confidently expected by the Kentuckians. The Federalists, they declared, were the sworn enemies of all who lived west of the Alleghanies, willing to barter away Western prosperity for Eastern aggrandizement.[1] It was during the Federalist regime that the ebb of Kentucky patriotism sank so low, that French agents were listened to and were promised much, and renewed Spanish plots were not looked at askance. Kentuckians knew that the East did not appreciate them, so why should they be concerned about a one-sided Union?

But by 1800 the days of their sulking and discontent began to come to an end. Jeffersonian democracy was enthroned in the nation; the West was fast coming into its own. Hereafter their counsel was sought; they were accorded their proper place among

[1] John Jay had attempted to make a treaty with Gardoqui in 1786, whereby the Confederation government was to cease to urge its claims to the navigation of the Mississippi River for twenty-five years, in return for certain commercial concessions advantageous to the East alone. Carl Russell Fish. *American Diplomacy* (New York, 1915), 70, 71.

their equals; their opportunities were as wide as their ability to embrace them.[2] Patriotic love for the Union now became the keynote of their orators, and anyone so rash as to support sentiments to the contrary was ostracized and even prosecuted. The magnetic personality of Aaron Burr fell powerless when it was discovered that the safety of the Union might be involved in his Western schemes; and those who had been so bold a few years previously as to listen to Spanish agents were now persecuted and dishonored. One outspoken Kentuckian who had not sensed the transformation counselled independent action under certain contingencies, and for his rashness he was menaced by a Frankfort mob, and haled into court.[3] The War of 1812, as before noted, afforded proof enough to the whole country that Kentucky's patriotism was unsurpassed. An Eastern editor declared that "there are no people on the globe who have evinced more national feeling, more disinterested patriotism, or displayed a more noble enthusiasm to defend the honor and rights of their common country;"[4] and a Bostonian observed that "they are the most patriotic people I have ever seen or heard of."[5]

This strong nationalism, however, must not be mistaken as in any manner minimizing the insistence of the state on the rights and powers claimed as its own. State rights was as fully developed here as in any other part of the Union, and probably more tenaciously clung to.[6] This rather remarkable intermixture of the two philosophies cropped out in many ways before the Civil War, and baffled both North and South during the period of that struggle.

The development and assertion of this position led the South at times to believe that Kentucky was being gradually weaned away from the true Southern principles. The first profound controversy regarding federal relations in the South, the Nullification movement, found Kentucky staunchly upholding the Union. In the early days of the South's bitter hostility to the tariff, the Kentucky governor (in 1828) called upon his Southern brethren

[2] Jefferson made John Breckinridge, one of the most outspoken of the Kentucky leaders, his attorney-general.

[3] For a more extended account see William E. Connelley and E. Merton Coulter, *History of Kentucky* (Chicago, 1922), I, 431-433.

[4] *Albany Argus* quoted in *Niles' Register* (Baltimore), VIII, Supplement, 178.

[5] *Ibid.*

[6] The Kentucky Resolutions of 1798 and 1799 come to mind as an early example.

to return to a becoming sense of patriotism;[7] and the legislature in a long series of resolutions sought to explain to South Carolina her duties in the Union, summing up its position with the statement that "neither a state nor an individual can rightfully resist, by force, the execution of a law passed by Congress."[8] In answer to the Nullification ordinance four years later Governor Breathitt warned South Carolina against this disruption of the Union, which Kentucky had helped to make and which she still so highly prized. "She cannot consent," he said, "that her treasure and her blood shall have been expended in vain—she cannot consent that her sister state shall give to our children waters of bitterness to drink."[9] The legislature added the weight of its disapproval of South Carolina's course, in a long set of resolutions.[10]

This stand of Kentucky's did much to emphasize the feeling in the South that its border sister had always been unsound on the tariff, that her interests were not typically Southern, and that her political philosophy was likewise diverging.[11] South Carolina felt Kentucky's apostasy keenly, and even carried her resentment so far as to attempt a boycott of Kentucky mules and swine.[12] Even so, Kentuckians had cause to feel resentment against the South, for had not this section opposed internal improvements and had it not had much to do with ultimately defeating the Maysville Road scheme?

Kentuckians had fundamentally too great a love for the Union to be lightly led into threats against its continuation. In accounting for this position, one should not lose sight of the fact that Clay for almost fifty years moulded the composite mind of the state with such complete mastery as has, perhaps, never been equalled in any American state. His spirit of compromise so thoroughly permeated both great parties that it could not be forgotten in the trying days of 1861. Although having a strong attachment to the rights of the states, he could never conceive of an evil more destructive to Kentucky than disunion. When the value of the Union was being weighed in the crisis of 1850, he

[7] In Metcalf's message to the legislature. *Niles' Register*, XXXV, 278, 279.

[8] *Acts of Kentucky*, 1829, pp. 287-300.

[9] Message to legislature, *Niles' Register*, XLIII, 352.

[10] *Acts of Kentucky*, 1832, pp. 309-316.

[11] Kentucky favored a tariff due to her early ambitions to become the manufacturing center of the West. She also wanted protection for her hemp. Moreover, Clay had a profound influence upon the state, holding out, as he did, his American System. See Connelley and Coulter, *History of Kentucky*, II, 599-601.

[12] *Ibid.*, 708, 709.

said, "If Kentucky tomorrow unfurls the banner of resistance, I never will fight under that banner. I owe a paramount allegiance to the whole Union; a subordinate one to my own state."[13] For such sentiments his reputation did not suffer in Kentucky. When he was gone, John J. Crittenden carried forward the same views. On the approach of the secession movement of 1850, as governor he stood staunchly for the Union, declaring that if ever Union sentiments ceased to be fashionable, he trusted "that Kentucky will be the last spot from which they will be banished." To him, "The dissolution of the Union can never be regarded—ought never to be regarded—as a remedy, but as the *consummation* of the greatest evil that can befall us."[14] The state answered the invitation to send delegates to the Nashville convention by voting down by a three to one majority a senate resolution to appoint representatives. It emphasized its answer by sending a block of native marble to be built into the Washington monument, with these words chiselled into the stone: "Under the auspices of Heaven and the precepts of Washington, Kentucky will be the last to give up the Union."

As before stated, Kentucky's unionism was not based on any assumption that the rights of the states were in anywise incompatible with the rights of the Union. No conflict was intended, and there must be none. If one should arise, it must be compromised away. The preservation of the rights of the states was in every way as important as the preservation of the rights of the Union, and must be insisted upon with equal force. The eternal contention of Kentuckians was that the two could exist together, and they must be made to do so. This was somewhat like the doctrine that peace must be had even if it must be fought for.

Her tenacious insistence on the rights of the state is well shown in the development of slavery and of the slave question. Slaves had been brought to Kentucky by the first settlers, and by 1790, before it had become a state, there were almost 12,000 here. During the next ten years the number increased to over 40,000, and by 1830 there were more than 165,000. The percentage increase up to the 'thirties had kept ahead of the percentage increase of the whites, but during the following decade the latter forged ahead and continued so down until the Civil War. From the very beginning a loud and persistent opposition grew up

[13] Thomas Speed, R. M. Kelley, and Alfred Pirtle, *The Union Regiments of Kentucky* (Louisville, 1897), 26.

[14] Message to legislature, Dec. 30, 1848. Mrs. Chapman Coleman, *Life of John J. Crittenden* (Philadelphia, 1871), I, 333.

against slavery, emanating for the most part from the religious organizations. A determined effort had been made to check the institution in the first constitution (1792), but without success.[15] In the movement leading up to the next constitution six years later, slavery became one of the outstanding issues, and caused the slave-owners many uneasy moments.[16] But here the slave opponents were defeated again, as the clause in the old constitution was repeated; and the most the state ever did toward checking the institution was to pass laws preventing the importation of slaves for sale—laws so difficult to enforce as to become soon obsolete.

Nevertheless, the position of the state was always sane on this perplexing question of slavery. Henry Clay long advocated gradual emancipation, but he looked upon the sudden freeing of the mass of slaves as a much greater evil than slavery itself. To solve the problem of the freed negro, the Colonization Society long thrived in the state, but it was absolutely powerless in settling the question. More radical reformers like Cassius M. Clay were not tolerated in the solutions they offered. When, in 1845, Clay began to preach abolition in his newspaper, the *True American,* in Lexington, a crowd of his prominent townsmen boxed up his type and paid the freight on it to Cincinnati and solemnly warned him not to renew his efforts in Kentucky.[17] It was during this period that the Emancipation Party was organized and that the slave opponents made their last great fight here.[18] Kentucky's emphatic and final answer before the Civil War intervened was given in her third constitution, made in 1850. The old constitutional provision was continued almost unchanged, and expression was given to the ever-present fear of a free negro population by the addition of clauses forbidding emancipation of slaves without providing means for their removal beyond the state, and prohibiting the entrance of free negroes into the state.

As the ceaseless agitation of the question in the North became more intensified with the approach of the Civil War, Kentucky set herself more resolutely than ever against any tampering what-

[15] There was this important restriction: That slaves might not be brought into the state to be sold.

[16] Connelley and Coulter, *History of Kentucky,* I, 283, 302, 303, 393-396.

[17] *Ibid.,* II, 810-813.

[18] Richard French, a Kentucky congressman, wrote Howell Cobb, September 10, 1848, "The slavery question in Ky. has taken deeper hold and awakens more concern than usual." "Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb," edited by U. B. Phillips in *Annual Report of the American Historical Association,* 1911 (Washington, 1913), II, 126.

soever with the institution. The long borderline of the Ohio River made the efforts of the underground railroad workers remarkably effective, rendering slavery exceedingly unsettled and greatly endangering the continued good relations between Kentucky and the states north of the river. On the eve of the war, a mob in Newport destroyed the *True South,* an abolition newspaper published there; and an enraged people rose up in Madison County and drove out a group of abolitionists who had attempted to establish themselves there.[19] Much of the opposition to slavery had its roots on the outside, getting its sustenance from the North. This Northern support Kentucky deeply resented. The sum total of the results of this anti-slavery movement was to strike heavy blows in defeating the very cause it was supporting.

An important reason for Kentucky's strong defense of slavery, in the face of her insistence with the North on the preservation of the Union, was her deep conviction that a state should be allowed to exercise every power delegated in the Federal Constitution, unmolested by outsiders. Another reason is to be seen in the actual conditions of slavery in the state; and still a third must be noted in the antecedents of the Kentucky people.

As before noted, the percentage increase of slavery decade by decade after 1830 was much less than for the white population. By 1860 the percentage increase of white population was three times that of the slaves.[20] Slavery was thus in reality relatively dying out; but this in no way prevented the state from persistently clinging to the constitutional right to hold slaves, if it so chose. The average Kentuckian was too legalistic in his thinking to give up a right just because its importance and value was becoming less marked, especially when he was attacked from without for asserting it. Kentucky was pre-eminently a land of small slaveholders, the gentry of the state. To many, slaves meant more as a constitutional right than as an economic value. With the exception of Virginia, Kentucky had more slaveholders owning from one to seven slaves than any other state; and with the same exception and that of Georgia, she had a greater number of slaveholders than any other state.[21] At the same time there were eight states holding a greater number of slaves. No Kentuckian owned over 300 slaves; only seven owned over 100; and only seventy

[19] Lewis and Richard H. Collins, *History of Kentucky* (Covington, 1882), I, 81.

[20] *Eighth Census, Population,* 1860, p. 599.

[21] Kentucky stood third in total population among the slave states.

had over 50. The total number of slaveholders was 38,645.[22] Slavery was, thus, widely dispersed over the state and entrenched with the average Kentuckians, the class that made up the backbone of the state's leadership. The very poor, who were better followers than leaders, owned few if any slaves; and at the same time many well-to-do Kentuckians did not own slaves—but not necessarily because they disagreed with the institution. According to the *Frankfort Commonwealth,* "All that are able to own slaves in Kentucky are not already slave owners. There are more men able to own slaves in Kentucky who do not own them, than there are slaveholders."[23]

Why this situation could be true, when at the same time Kentucky was fundamentally pro-slavery, is to be largely explained by the antecedents of Kentuckians generally. It has been said that Kentucky was a "de luxe edition" of Virginia. She was in fact an offspring of Virginia, territorially and legally; and it is true that she was largely so racially. Having been a part of Virginia and under her government for seventeen years, she was stamped with the Virginia impress in legal institutions and conceptions, and outside of a short period of discontent, ever referred to her Virginia origin with pride. The first route to Kentucky, running through the Cumberland Gap, not only served Virginia but also North Carolina, South Carolina, and other Southern states. Later the Ohio River brought in large numbers of settlers, many of them, however, being of Southern origin. In later years there was a considerable drifting across the Ohio from the states directly to the north, and an appreciable number came from New York and Pennsylvania; but in 1860 by far the largest number of Kentuckians, born outside of the state, had come from the South. Virginia had contributed over 45,000; and Tennessee not less than 34,000.[24] The state was, thus, predominantly Southern racially.

Being basically Southern in population, she would naturally tend to be so in most other respects—socially and politically especially. Many of the more wealthy from the far South spent their summers at Kentucky resorts, such as Olympian Springs and Harrodsburg Springs. Alliances were contracted through marriages and friendships which had a silent but powerful effect in identifying Kentuckians with the old Southern traditions.[25] The

[22] *Eighth Census, Agriculture,* 1860, p, 247.
[23] March 10, 1857.
[24] *Eighth Census, Population,* 1860, p. 185.
[25] Connelley and Coulter, *History of Kentucky,* II, 792.

state also had important economic connections with the South. Both land and river routes were used in an extensive commerce, the latter, of course, at this time being the greater arteries of trade. From 1820 to the Civil War, constant streams of horses, mules, cattle, and swine passed along the Cumberland Ford route and along other roads to Southern markets. The Kentucky mule was as much a necessity on the Southern plantation as was the slave. In 1828, livestock estimated to be worth $1,100,000 passed over the Cumberland Ford, consisting of 3,412 horses, 3,228 mules, 97,455 hogs, 2,141 sheep, and 1,525 stall-fed cattle.[26] Kentucky hemp manufactured into cotton bagging also found a ready sale in the South; and Kentucky surplus capital found an outlet in Southwestern plantation lands. The pro-Southern *Louisville Courier* never wearied of reminding the state of its Southern business: "Her flour and machinery, bagging and rope, jeans and linseys, segars and manufactured tobacco, candles and soap, agricultural implement founderies—manufactured within her limits—brought into her lap the vast sum of Twelve Millions of Southern gold. . . . Kentucky today is stocked with provisions; and the South is receiving the returns in gold for her last year's cotton crop. That gold seeks Kentucky as a chosen market where it can be exchanged for manufactured fabrics and provisions."[27]

In addition to the fact that Kentucky was economically connected with the South, she was a part of this region geographically. Besides being the southern part of the Ohio basin, she was forced to look southward through the course of the Mississippi River—the greatest single commercial factor in the historical consciousness of the state. One of Governor Magoffin's earliest concerns after the election of Lincoln was to suggest the amending of the Federal Constitution "so as to guarantee the free navigation of the Mississippi river, forever, to all the states."[28] John L. Helm, a former governor, emphasizing the general commercial and economic value of the Southern connection, said, "We do know that the sources of our wealth are derived from our Southern trade, whilst much of the surplus of the Western free States finds a market in the North. Can Kentucky afford to risk the

[26] *Niles' Register,* XXIII, 259; XXXV, 402; XXXVIII, 108. The value of this livestock trade in 1838 was over $1,750,000. Collins, *Kentucky,* I, 43.

[27] May 1, 1861.

[28] Collins, *Kentucky,* I, 85.

benefit of the free navigation of the Mississippi and duties on her Southern trade? I think not."[29]

After 1830, the markets of Kentucky began to broaden, through the opening of the Erie Canal and through the coming of the railroads; and although this development did not reduce the necessary trade with the South, it did greatly extend the commercial horizon of the state, by draining much of the valley exports to the Eastern markets through the North rather than down the Mississippi by way of New Orleans.[30] As an indication of the traffic going across the Ohio River, in one week ferryboats at Cincinnati made 1,480 trips, carrying 29,311 passengers, 369 horses, 382 cattle, 1,566 drays, and 1,877 other vehicles.[31] New York alone bought in 1860 more than 20,000 hogsheads of tobacco from Kentucky. Much Kentucky capital had also been invested in town lots and securities in Northern cities—especially in Chicago.[32] Selling to the North also indicated buying from the same place. Thus was the state bound to both sections so strongly that it would have to break important connections, regardless of the choice it should make in a break-up of the Union—hence the difficulty of making any choice at all. James Guthrie confirmed the situation but ignored the problem when he said, "Keep up your relations of commerce and good fellowship; stand firmly by the cause and heed the counsels of men who have ever counselled peace and harmony and attendant prosperity."[33] George D. Prentice in his *Louisville Journal,* leaning toward the Northern connection, called attention to the disastrous results secession would have on this trade: "Now if we want to pay an export duty on everything we send across the Ohio and upon everything we bring across it, we have only to precipitate ourselves into the Cotton States Confederacy."[34]

One of the most important results of this movement of trade northward and eastward was to identify Kentucky more with the

[29] *Cincinnati Semi-Weekly Gazette,* Sept. 6, 1867.

[30] See E. M. Coulter, "Effects of Secession upon the Commerce of the Mississippi Valley," in *Mississippi Valley Historical Review,* III, 3, December, 1916, pp. 275-300.

[31] *Merchants' Magazine and Commercial Review* (Hunt's), XLV, 1860, p. 55.

[32] Thomas Speed, *The Union Cause in Kentucky, 1860-1865* (New York, 1907), 13; Carl Russell Fish, "The Decision of the Ohio Valley" in *Annual Report of the American Historical Association,* 1910, p. 157.

[33] Quoted in *Rebellion Record: A Diary of American Events, Documents, Narratives, Illustrative Incidents, Poetry, etc.* Edited by Frank Moore (New York, 1861), I, 73 (doc.)

[34] March 5, 1861.

nation as a whole than absolutely with either section. Here was one of the fundamental forces that were working to make Kentuckians feel neither Northern nor Southern quite so much as American. John C. Calhoun and other Southern statesmen saw the logical result clearly: That since political principles and alliances are largely determined ultimately by economic considerations, Kentucky could be depended upon to follow less and less submissively Southern leadership. They would counteract this influence by draining Western commerce to the South Atlantic ports over a railroad, the construction of which became a pet scheme of theirs, but which was not finished in time to serve the purpose of the ante-bellum Southern dreamers.[35]

Not only was a decision made difficult on account of commercial and economic reasons, but the border position of the state called for a policy of delay and inaction. There was a natural fear, sobering in its effect, that the state would be overrun by Northern hordes if it should secede. Archibald Dixon declared, "We have a million white population resident in a State only separated by the Ohio River from Indiana, Illinois, and Ohio, with a population of five million. Through each State are numerous railroads, able to transport an army in a few days to our doors. . . . In sixty days the North can pour an army of one hundred thousand men upon every part of us." The state would be helpless, as the South would be unable to aid. "If we remain in the Union," he said, "we are safe; if we go out we will be invaded; if we hold as we are we are safe, if we go out we will be overwhelmed."[36] These fears were well-founded, at least so far as the transportation facilities for bringing troops were concerned. There were no less than twelve points on the Ohio River opposite Kentucky where railroads came down from the North; at only two points could connections be maintained with the South.[37] Other conservatively inclined leaders argued that Kentucky in her present position was safe and secure; but if she should join the Confederacy, "she would be a frontier state and necessarily the victim of those border feuds and conflicts which have

[35] See E. Merton Coulter, *The Cincinnati Southern Railroad and the Struggle for Southern Commerce, 1865-1872* (Chicago, 1922), 29, 30.

[36] *Rebellion Record,* I, 75 (doc.)

[37] Frederic L. Paxson, "The Railroads of the 'Old Northwest' before the Civil War," in *Proceedings of the Wisconsin Academy of Science, Arts, and Letters,* XVII, Part 1.

become proverbial in history alike for their fierceness and frequency."[38]

Another element in the border situation equally as important to Kentucky as the danger of invasion, was the effect a change in her position would have upon slavery. Although this institution rested more lightly on the state than it did on most of the South, yet it called forth here a defense as vigorous as anywhere. But here on this borderland the preservation of the Union and the preservation of slavery went hand in hand; for if the country divided, Kentucky was almost sure to be on the frontier, regardless of which side she should choose. The destruction of the Union would sound the doom of slavery; for if she should go with the South, it would make the northern banks of the Ohio a refuge for fugitive slaves, and if she should go with the free North she could not hope to maintain slavery long. It took no great amount of foresight to show that disunion must ultimately destroy slavery in Kentucky.[39] Joseph Holt emphasized particularly the danger in joining the Confederacy, when he declared that in such a position slavery would "perish away . . . , as a ball of snow would melt in a summer's sun."[40]

Kentucky was a border state with all that such a position implied. From the commercial or economic standpoint it might with equal truth be said to border on the North and tend to become a part of it, no less than to border on the South and tend to become a part of it. It was in fact a part of both, for as an enthusiastic Kentuckian said, "Right here, in the very center of the Mississippi Valley, lying like a crouching lion, stretched east and west, is Kentucky, the thoroughfare of the continent."[41] This was nearly true, with the 17,000 miles of navigable waters in the great interior lying open to her commerce. It was this central position that made the Union so valuable to her, and helped to give her political philosophy so decided a Union slant. Crittenden recognized this fact, when in 1849 he said, "A moment's reflection will show the ruinous consequences of disunion to the commerce of Kentucky and the other Western States. The most obvious considerations of interest combine, therefore, with all

[38] *Letter from Joseph Holt to James F. Speed, May 31, 1861* (New York, 1861), 26.

[39] See *Discourse of Dr. R. J. Breckinridge, at Lexington, January 4, 1861* (Cincinnati, 1861).

[40] *Letters of Joseph Holt to James F. Speed, May 31, 1861,* p. 27.

[41] Quoted in *Cincinnati Commercial,* Dec. 1, 1870.

that are nobler and more generous, to make the Union not only an object of attachment but of necessity to us."[42]

Although a border or fringe that might be thought of as joined to either section, Kentucky was the heart of the Union; this was shown not only in its commercial relations but also in its population attachments. As before noted, the state in its origin was Southern, and it was only natural that it should look on this tradition with a sympathetic attitude; yet a further population movement set up connections which drew kindly feelings in other directions. Kentucky was not a state that was always receiving and never giving. True enough she was not now giving to those from whom she had been receiving; she was sending her offspring on northward and westward. She gave an important element to the population of her western and northwestern neighbors as well as to some of the southwestern states. Edward Everett said in Lexington in 1829, "Beyond the Wabash—beyond the Mississippi —there are now large communities, who look to these their native fields with the same feeling with which your fathers looked back to their native homes in Virginia."[43] Missouri, was virtually an offspring, with her 100,000 citizens in 1860, of Kentucky birth—more than three times the number from any other state;[44] before 1833 there had been thirty-six state officers in Illinois of Kentucky birth—a dozen more than from any other state;[45] in Indiana at least ten counties were named for Kentuckians.[46] In 1860, more than 60,000 in Illinois, 68,000 in Indiana, 15,000 in Ohio, 13,000 in Iowa, and 6,000 in Kansas had been born in Kentucky.[47] At this time there were, in all, nearly 332,000 Kentuckians living in other states.[48] Very few went southward, Arkansas and Texas being the only states in this region receiving any considerable numbers. This spread of population to other states led a Kentuckian to say in 1861, "There is not a Western or Southwestern State in which Kentucky families are not settled, and she is bound

[42] Coleman, *Life of Crittenden,* I, 351.

[43] *Orations and Speeches on Various Occasions by Edward Everett* (Boston, 1850), second edition, I, 205.

[44] *Eighth Census, Population,* 1860, pp. 616, 617.

[45] Solon J. Buck, "The New England Element in Illinois Politics before 1833" in *Proceedings of the Mississippi Valley Historical Association,* 1912-13, VI, 50.

[46] James R. Robertson, "Kentucky's Contribution to Indiana," in *Proceedings of the Tenth Annual Meeting of the Ohio Valley Historical Association,* 1916, pp. 82-97.

[47] *Eighth Census, Population,* 1860, pp. 616, 617.

[48] *Ibid.,* xxxiii.

to all by ties of interest and brotherhood."[49] The nationalizing influence of this migration was great; in fact it was a considerable factor in offsetting the Southern character of the state.

Despite the harassing troubles connected with the underground railroad across the Ohio, a considerable friendship had grown up with the three states north of the river. In the early part of 1860, the Ohio legislature had invited the Kentucky lawmakers to Columbus; and the trip was made with the most evident friendship and enthusiasm shown throughout the journey.[50] A closer feeling existed with Indiana than with any other state north of the Ohio. In 1850, this state had passed resolutions of respect on the death of the famous Kentuckian, Richard M. Johnson, and Kentucky had reciprocated with resolutions of thanks.[51] Shortly after the election of Lincoln, while all kinds of rumors were spreading, the governor of Indiana generously offered the state militia to Kentucky to help quell any servile insurrection that might spring up.[52]

This feeling of friendship for the Northern border was greatly aided by the intermingling of the peoples. More than 14,000 people born in Ohio were living in Kentucky in 1860, and almost 7,000 from Indiana, and 3,000 from Illinois.[53] Kentucky's contribution to these states, as already noted, was very much larger. Garret Davis called attention to the strong force of these population ties in a speech in the United States Senate. "Why, Mr. President," he said, "Kentucky has almost peopled the northwestern states, especially Indiana and Illinois. I have no doubt that one fourth of the people of Indiana are either native-born Kentuckians or the sons and daughters of native-born Kentuckians. They are bone of our bone and flesh of our flesh. When you offer to the Union men of Kentucky their choice, whether they will remain united forever with Indiana, and Ohio and Illinois, or go with Georgia and South Carolina and Florida, they will answer 'A thousand fold will we be united rather with the Northwest than with those distant States.' "[54] An humble Kentuckian asked at this time, "What can she do by secession

[49] Garret Davis in *Cincinnati Gazette*, June 7, 1861.

[50] *History of the Ohio Falls Cities and their Counties* (Cleveland, 1882), I, 323; Whitelaw Reid, *Ohio in the War* (New York, 1868), I, 20.

[51] *Acts of Kentucky*, 1850, p. 398, December 17.

[52] Edward McPherson, *The Political History of the United States of America during the Great Rebellion* (Washington, 1865), 8.

[53] *Eighth Census, Population*, 1860, pp. 185, 616-619.

[54] January 23, 1862.

make war upon the people of Indiana & Illinois many of whom Kentucky gave birth too [*sic*]."[55] The population ties thus drew the state in both directions and made a decision much more difficult.

Another broadening influence which had its effect, but which was lacking in the South as a whole, was the presence of a considerable number of foreign-born people. In 1860, Kentucky had nearly 60,000 foreigners, which was far more than any other Southern state possessed outside of Missouri with its Germans congregated in St. Louis. Although there were more foreigners in Louisville than in any other part of the state, still there were five counties having more than a thousand each, fifty-six having over one hundred each, and only five having none.[56]

The physical geography and topography and the general material advancement of the state were basic in its political development, and consequently played an important part in many decisions it made. As before noted, it was a border state as between the two sections, but centrally located with respect to the Union. It was, thus, in the current of the trade movements of the great interior, contributing to and receiving from both North and South. In addition to this favorable situation, it was well disposed within itself as to soils, waterways, and general natural resources. Within or on its borders were 4,000 miles of navigable waterways, for which the state had spent millions of dollars.[57] It had 10,000 square miles of as fertile land as could be found in the United States, the celebrated Blue Grass region, and most of the remainder of the state was highly productive. According to Nathaniel Shaler, Kentucky's greatest geologist, "there are few regions in the world where so large an area with so little waste land can be found."[58] There were not over 200 square miles of irreclaimable swamp land and 800 square miles unfit for pasturage.

The outstanding fact in the state's geological formation was the so-called Blue Grass region, with its blue limestone base. But as phases of life and modes of thought are almost as truly the

[55] *Joseph Holt MSS.* (In the Library of Congress.) XXVII, 3578. S. S. English to Holt, Jan. 31, 1861.

[56] *Eighth Census, Population,* 1860, pp. 183-185. There were 109 counties in the state at this time. For the United States as a whole 13 per cent. of the people were foreign-born; for Kentucky, 5 per cent.

[57] Collins, *Kentucky,* I, 537-553.

[58] N. S. Shaler, *Kentucky: A Pioneer Commonwealth* (Boston, 1888), fourth edition, 31. See also *A General Account of the Commonwealth of Kentucky* (Cambridge, 1876).

outgrowth of the diverse rocks and soils that underlie them as the plants themselves, this region became a force of no little consequence in the social, industrial, and political life of the commonwealth. The state geologist said in 1854, "So characteristic are the agricultural peculiarities stamped upon the surface of every county within the range of this geological formation, that it has given rise to that generally recognized division of the State known as the *'Blue Grass'* country of Kentucky, justly celebrated for its fertility and consequent wealth. . . . We even hear of the inhabitants of this part of Kentucky frequently styled 'Blue Grass Men' in contradistinction to the 'Mountain Men,' residents of the adjacent hilly and mountainous country lying between its eastern counties and the Virginia line."[59] This region's part in the Civil War was distinctive, as will appear hereafter.

Although tobacco came nearest to dominating the state's agricultural life, there was a variety of crops in the production of which it stood high. First in wheat in 1840, it had dropped to ninth place in 1860; second in corn in 1850, it fell to fifth place in 1860; and at the latter date, it stood first in hemp, second in tobacco and mules, third in flax, fourth in swine, and fifth in rye.[60] Among the Southern states it was pre-eminent. This varied agricultural wealth called for wide commercial activities and connections. Farming was on a sufficiently large scale, with regard to the size of the farms, to place the average Kentucky farmer in well-to-do circumstances. There were relatively few small farmers eking out a bare existence, poverty-stricken and without influence; and there were few very large farmers. Fewer than 9,000 farms contained less than twenty acres, and not 200 had over a thousand acres. The great majority of farms contained from twenty to five hundred acres. There were almost 74,000 farms coming within this class out of the 83,000 farms in the state.[61]

In manufacturing Kentucky did not make the progress her early beginnings and enthusiasm had promised; but her inclination in that direction always held out her potentialities and colored her economic doctrines as expressed in politics. She was never moved by the Southern anti-tariff philosophy, and she stood apart from the South in her strong advocacy of internal improvements. However, in 1860, her manufactures were not inconsiderable,

[59] D. D. Owen, *Report of the Geological Survey in Kentucky,* 1854, 1855 (Frankfort, 1856), I, 100.

[60] *Eighth Census, Agriculture,* 1860, pp. viii-clxx.

[61] *Ibid.,* 200, 201.

with her 3,450 establishments. The capital invested was over $20,000,000; the value of the raw materials consumed annually was over $22,000,000; the cost of labor, over $6,000,000; and the value of the finished product nearly $38,000,000.[62]

In various ways it is, thus, apparent that Kentucky was neither wholly Northern nor Southern, but that lying on the borderline of both she partook of both. She came to possess certain fundamental characteristics which were basic tenets of the two great sections but not common to the two. Here diverging principles met and were made to combine. State rights feelings were as strongly bedded in the Kentucky character as was love for the Union. There need be no irremediable conflict between the two, if each were given its proper interpretation. The sections must be made to see this common ground of accord; here it was that Kentucky saw the opportunity to act the part of compromiser.

As between the North and the South the finer feelings of sentiment bound the state to the latter. Virginia and the rest of the South could never be looked upon in any other manner than with deep sympathy and kindredship. There was never a great amount of brotherly feeling felt or displayed toward the North as a section, outside of family connections in the Middle West. The abolition Yankee was as keenly detested in Kentucky as anywhere else in the South, and to Kentuckians the abolitionist was typical of the North. The toleration Kentucky had for the North was due, for the most part, to economic considerations, which may be translated into the political principle of Unionism. It was because the North stood for the Union that Kentucky could feel an alliance with that section, and both stood for the Union because their economic prosperity, it was believed, depended absolutely upon its preservation. The South drew with the force of sentiment; the North, with economic argument. In the great decision of 1861, the latter won; but the former was not crushed. It arose later in all of its former vigor.

[62] *Eighth Census, Manufactures,* 1860, pp. 194, 195.

CHAPTER II

SECESSION OR UNION

Kentucky was never a stronghold of Democracy after the rise of Henry Clay; for under his consummate leadership she developed into one of the strongest Whig states in the Union. When once the Whigs had established themselves, the state consistently elected Whig governors and cast its electoral vote for Whig presidential candidates until that party was on the verge of crumbling to pieces. Not until 1851 did the Democrats succeed in electing a governor; and not until 1856 did the state cast its electoral vote for a Democrat.[1]

Even the passing of the Whigs did not make Kentucky Democratic immediately. The Whigs, who were now men without a party, so thoroughly detested the Democrats that they refused to join them; and in their blind hostility resorted to strange doctrines and alliances. They went over, almost as a unit, to the Know Nothing Party, an organization bred by conditions largely foreign to Kentucky, and holding narrow tenets and exotic notions on religion and aliens. These old Whigs had a strong suspicion that the Democratic Party, controlled as it was by the South, would readily embrace disunion at the first opportune time; and despite the strongest protestations of unionism made by the Kentucky Democrats, and despite their fervent invitations to the old Whigs to join them, the Know Nothings elected their candidate for governor in 1855 by a majority of over 4,000 votes. The old Whigs were so fearful of aiding the spirit of disunion if they should join the Democrats that as the *Kentucky Yeoman* said, "Modern issues which for the past quarter of a century have divided the democratic and whig parties, have been abandoned, and novel and absurd questions have been raised, argued and magnified by a new party composed of old partisans."[2] In fact, the old Whigs were so conservative that they were willing to

[1] The last Democratic governor prior to the Whig period was John Breathitt elected in 1832; and the last time Kentucky cast her electoral vote for a Democrat before 1856 was for Jackson in 1828.

[2] Aug. 2, 1855.

ignore the sectional issues, and, by refusing to discuss them or consider them, thereby hope to solve them.

In the presidential election of 1856, these old partisans now parading under the name of Americans and crying "The Constitution and the Union forever," soon came to the conclusion that as their candidate could not win, their support should go to the Democrats; for a vote for Fillmore would be in reality a vote for the Republican candidate, Frémont, an impossibility in the eyes of Kentuckians.

The Kentucky Democrats were in reality during this period as true friends of the Union as their opponents were, who had for a few years sought the name of Know Nothing and then American rather than adopt the name of their long-standing rivals, and who finally could think of no better name by which to be known than as the "Opposition." Although with the election of 1856 the Democrats had become the majority party in the state, they were not resting on a solid foundation, for the old Whigs had not coalesced with them and lost their identity and group feeling. Party lines were now in a state of greater uncertainty than they had ever been since the days of Clay and Jackson when the old party divisions had been developed. Beriah Magoffin, who had been carried into the governorship in 1859, declared in March of 1860 that his legislature was floundering about without leadership or direction from within.[3] The one underlying feeling around which more people could be grouped than around any other was the desire to see the Union preserved; but party lines did not divide on this principle. An observer of the times summed up the situation in a letter to Crittenden, in which he stated that there were three party groups, though they were not crystallized out according to party lines, and that "Kentucky is now an epitome of the Union." On the southern border was a sprinkling who would drive the state into secession; and on the Ohio River border was another group, "who would surrender all rights under the Constitution . . . to hand the gallant old Commonwealth to the Yankee states, even if she went alone into such an alliance." Then there was a third division—"the great, sound, conservative, central heart of the Commonwealth, who are for the Union the Constitution—the whole flag, every stripe & every star in its place. This party will struggle to the last for the Union as it was." He considered Crittenden the leader of this group; but if he should

[3] *Andrew and John White Stevenson MSS.* (In the Library of Congress.) Magoffin to John W. Stevenson, March 12, 1860.

fail to preserve the Union "and the mighty fabric falls, this party goes South."[4]

As the sectional struggle became more bitter and the times more perilous, Kentuckians still maintained their solid moorings to the Union—meetings participated in without regard to party distinction often being held.[5] The approach of the election of 1860 saw Kentuckians concentrating into two groups, the so-called Constitutional Union Party, made up of old Whigs, and the Democrats. The former, who had been known for a time as the "Opposition," in groping around for a more positive name had first hit upon "National Union Party";[6] but later they adopted the appellation of "Constitutional Unionist Party," after that group had met in its national convention and nominated Bell and Everett. These Kentucky unionists felt that there would be no sectional troubles, if people would stop conjuring them up by forever talking about them. They would solve the issues by ignoring them, and thereby preserve the Union.

The Democrats, though feeling a great love for the Union, yet would be bold enough to face the issues. They chided the Opposition for their spineless course. "We can not suppose," said a Democratic editor, "that an intelligent self-thinking Kentuckian would stand idly by while a battle was raging, the issue of which would be in fact the fate of his country. He would belie the characteristics of his race, smother the impulses of a freeman and be faithless to all the obligations of a citizenship. No, there can be no neutrality in this struggle."[7] In a convention in Frankfort in January, 1860, the Democrats took the conciliatory attitude that Kansas and Nebraska should have the right to make their constitutions with or without slavery; and shortly before the meeting of the Democratic National Convention in Charleston, they expressed through the legislature strong feelings for the Union, in answering an invitation of the New York legislature to visit Albany. "Kentucky has no ambition," they said, "which is not bounded by the Union as the Constitution has defined it—no prejudice which she is willing to gratify at the expense of its peace and harmony—no hopes that could be realized by its dissolution; and, as an earnest of her devotion to it,

[4] *John J. Crittenden MSS.* (In the Library of Congress.) XXII, 4561. Thomas W. Riley to Crittenden, Feb. 8, 1860.

[5] For example, the meeting at Maysville, January 2, 1860. Collins, *Kentucky*, I, 81.

[6] *Kentucky Statesman*, March 20, 1860.

[7] *Ibid.*, April 17, 1860.

she pledges for its maintainance all the strength and energies of a brave and patriotic people."[8]

On the approach of the national convention at Charleston, the Kentucky Democrats, seeing already the impending danger of a split in the national Democracy, began to groom themselves as peacemakers. They were on the border where they were better able to see both sides of the question.[9] The convention met in April, and their worst fears were justified when Yancey, followed by most of the Southern delegates, bolted. Refusing to follow, the Kentuckians continued to work for party harmony, hoping that James Guthrie, their leader and candidate, might win the nomination and bring the seceders back.[10] Efforts were futile; the convention soon adjourned to meet later in Baltimore. Here most of the delegates from Kentucky and from the other border states withdrew, and Douglas, the candidate of the Northern Democrats, was nominated. The Kentuckians with the other bolters, including the original seceders, came together soon afterwards, and nominated the outstanding Kentucky statesman, John C. Breckinridge. Abraham Lincoln's nomination in Chicago by the Republicans brought the nation's presidential candidates up to four.

The Kentucky Democrats were filled with grave concern and forebodings after the disruption of the Charleston convention. They labored hard, but without avail, for an understanding before the adjourned meeting should be held in Baltimore.[11] The Opposition, little realizing the profound results to follow, openly rejoiced at the discomfiture of the Democrats, for which the *Kentucky Statesman* severely condemned them. "Rejoice," it exclaimed, "but rejoice as becomes intelligent men, understanding the consequences of the events which elicit your utterances of gratification and willingness to espouse the triumphant cause before the people."[12]

With the Democratic Party thus divided, neither faction could hope with much reason to carry the state against the Constitutional Unionists, or Opposition as they were locally called. The Breckinridge wing included unquestionably the bulk of Kentucky Democrats; yet the Douglas followers claimed to be the real Democratic Party, and sought with much effort to rally all the

[8] *Acts of Kentucky,* 1859, pp. 186, 187. Passed March 2, 1860.
[9] *Kentucky Statesman,* March 23, 1860.
[10] The greatest number of votes Guthrie received at any time was 66.
[11] *Kentucky Statesman,* May, June, 1860.
[12] May 8, 1860.

Democrats around their candidate. The Breckinridge faction was the logical party in Kentucky, because Breckinridge was a Kentuckian and because he was the candidate of the Southern branch of the party. The Douglas Democrats maintained a strong Union attitude throughout the campaign and tended to draw nearer and nearer to the Bell and Everett party. In a convention which they held in Louisville in August, they resolved to "regard with indignation any proposition or policy which has for its object the disturbance of the harmony, or endangering the existence of our Federal Union."[13] The Breckinridge Democrats saw with much concern the tendency of the Douglas and Bell men to fuse. They inquired, "Do you intend to let your Douglasism make Bell men of you? If not, it is quite time you had parted company with these men who now revel in the camp of the enemy."[14]

As threats were frequently heard from the South during this campaign that secession must follow if Lincoln were elected, the Breckinridge Democrats were assaulted on all sides by their Kentucky opponents with the charges of standing for disunion. Their party was committed to secession, it was said, if Lincoln succeeded, and their candidate, Breckinridge, was a disunionist.[15] The Southern Democrats indignantly denied these charges, and sought to break them down by asserting their unionism on every occasion. Concerning this campaign of misrepresentation a Breckinridge Democrat said, "There is nothing but absurdity, mendacious malignity and despicable hypocracy in the disunion howl cunningly gotten up by the dough-faced submissionists, free soil squatters, and unprincipled adventurers, who now stand allied in one mongrel opposition to Democracy. The charge of disloyalty to the Union against Mr. Breckinridge and his party is as groundless, as false and infamous a slander as ever emanated from a political pen."[16]

Love and respect for the Union had been characteristic of Breckinridge's political career. He had no overweening ambitions to gratify; he had not sought the Democratic nomination.[17] In a speech before the Kentucky legislature in 1859, he said, "When questioned I will say in your name, 'Kentucky will act in a manner answerable to her character and history. She will cling

[13] *Kentucky Statesman*, Aug. 17, 1860.
[14] *Ibid.*, Aug. 7, 1860.
[15] *Ibid.*, Aug. 24, *et seq.*, 1860.
[16] *Ibid.*, Aug. 28, 1860.
[17] *Ibid.*, Sept., 1860. Speech in Lexington, Sept. 5. See also speech by J. C. S. Blackburn in Lexington, Nov. 16, 1887, in *Modern Eloquence*, edited by Thomas B. Reed (Philadelphia, 1900), VII, 104.

to the Constitution while a shred of it remains, and, if unhappily madness and folly and wicked counsels succeed to destroy the fairest fabric ever erected to liberty among men, she will conduct herself with so much wisdom, moderation and firmness as to stand justified before the tribunal of history, and in the eye of heaven, for the part she will play in the most disastrous drama ever enacted in the theatre of the world.' "[18] Throughout the heat of the presidential campaign he never gave any indication that he had departed from these sentiments. At Frankfort he said, "I am an American citizen, a Kentuckian, who never did an act nor cherished a thought that was not full of devotion to the Constitution and the Union."[19] His Kentucky followers attested his unionism in words which were no less expressive of their own. " . . . His slanderers," the *Kentucky Statesman* said, "cannot find in all the speeches he has made, one word, one sentiment, which, by the most forced construction, can be made to militate against the Union. . . . The principles and measures he has advocated, the platform on which he stands, and the record of his life, have been scanned and searched in vain for a sentiment which is not one of loyalty and love for the Union."[20]

There can be no doubt, however, that Breckinridge suffered in Kentucky from the fear that at least his party was too closely connected with ideas of disunion. Much as he might protest his Union sentiments, and vigorously as his Kentucky followers might plead their love for the Union, they could not deny that many of their Southern allies harbored secession sentiments. The threats and unguarded language of Yancey, Rhett, and Keitt, and the fiery demands of the *Charleston Mercury* were all too readily accepted as being representative of the Breckinridge Democracy as a whole. Efforts were made time and again to discount and explain away these Southern threats. Just because certain Breckinridge supporters talked disunion was not the slightest argument that Breckinridge, himself, agreed with that policy;[21] Douglas Democrats were also known to make disunion threats, but that did

[18] *Modern Eloquence,* VII, 105.

[19] *Kentucky Statesman,* July 20, 1860. He also said, "I hold that fidelity to the Constitution of the United States in all its parts, and in all its obligations, is the condition of the American Union and of its perpetuation." *Marietta* (Georgia) *Advocate,* Aug. 10, 1860.

[20] July 31, 1860.

[21] The *Kentucky Statesman,* August 28, 1860, said, "He is impregnably fortified by a life of loyalty to the Union and of principles which are the strongest bonds of Union. He is in nowise responsible for or chargeable with the ultra opinions of extremists who may vote for him."

not make Douglas a disunionist. In fact a vote for Breckinridge was a vote for the Union, as argued by some logicians, for if Southern Democrats had threatened secession provided Lincoln were elected, Republicans had made no threats if Breckinridge were elected.

The signs of the times were clearly indicated in August preceding the presidential election when the Unconditional Union (Bell and Everett) candidate for the clerkship of the Court of Appeals was elected over the Breckinridge nominee by almost 25,000 majority and over the Douglas candidate by almost 60,000.[22] It was now evident that the Douglas men were in almost a negligible minority, due largely to the fact that the most ardent union Democrats went with the party that made its shibboleth the Constitution and the Union. This virtual fusion of those opposed to Breckinridge called forth renewed activities of his party to dispel the persistent suspicion that he stood too close to disunion. To a meeting in Lexington in September, attended by 15,000 people, Breckinridge himself affirmed without equivocation his conservative principles and abhorrence of disunionism.[23] The election in November showed nothing different from what should have been expected. The almost universal demand for the Union could not be less positively expressed than in a vote for Bell by a 13,000 majority over Breckinridge—the former receiving 66,000, the latter 52,800. This vote represented a loss to the Democrats of over 20,000 as compared with Buchanan's vote four years previously. Lincoln received only 1,364, eloquent proof of the fact that Kentucky did not consider herself as having much political sympathy for the North beyond the preservation of the Union.[24] As a whole the election was particularly significant of the outstanding desire of the state to endanger in nowise the Union. The Douglas and Bell vote, which was *per se* for the Union, amounted to over 91,000 compared to Breckinridge's vote of 52,800. And it is certain that a large number of the Breckinridge Democrats were strongly in favor of the preservation of the Union at almost any hazard.[25]

[22] *Tribune Almanac and Political Register*, 1861 (New York, 1861), 52.

[23] *Kentucky Statesman*, Sept. 7, 1860.

[24] *Tribune Almanac*, 1861, p. 52. On account of the strong Southern attitude Kentucky had maintained on the slavery question, Lincoln received decidedly fewer votes here than in the other border states.

[25] The Lincoln supporters were insignificant. However, they may be counted as the most radical group in the state, willing to endanger the Union to destroy slavery.

When the news of Lincoln's election came, Kentucky began to have grave fears for the worst. Numerous meetings without regard to party distinctions, clamoring for the preservation of the Union, sprang up in various places;[26] and Governor Magoffin, assuming the attitude of a Kentucky statesman, immediately set to work to head off the secession movement about to begin. He addressed to the governors of all the slave states on December 9th a letter advocating a program, which, if carried out, would protect the states in the possession of their slaves and guarantee the recovery of runaways. According to his plan the Federal Constitution should be amended to divide the national territory between slavery and freedom by the 37th parallel.[27] Kentucky was now beginning to show abundantly her training in the work of compromising. On December 18th, Senator Crittenden, who inherited the Clay tradition, introduced his celebrated compromise, one feature of which was the division of the public domain along the line of 36′ 30″.

Two days later came the exciting news of the seccession of South Carolina; and on Christmas day a representative commissioned by the state of Mississippi appeared in Frankfort to urge Governor Magoffin to call an extra session of the legislature to devise means for the common defense. Also before the end of the month, a commissioner from Alabama reached Frankfort and set forth in a long communication the rights and duties of the states of the Union, and recited how the Northern states had repeatedly violated them. He called upon Kentucky to oppose these usurpations.[28] Governor Magoffin in his answer agreed that the wrongs against the South had been great and that the commissioner had not exaggerated them; but instead of agreeing with a blind course of secession, state by state, he laid down a line of procedure which called for a convention of all the slave states, where a united program might be formulated and demands drawn up to be submitted to Lincoln. If this should fail, then the Southern States organized as they would be could act as a unit and secede with the full force of a united section; and they would, besides, have the credit of having sought a remedy before taking such a serious step, and would thereby command a large conservative element in the North as supporters and allies. He con-

[26] Collins, *Kentucky*, I, 84.

[27] *Ibid.*, 85.

[28] *War of the Rebellion. Official Records of the Union and Confederate Armies* (Washington), ser. IV, vol. I, pp. 4-11. (Referred to hereafter as *Official Records.)*

tinued, "You ask the co-operation of the Southern States to redress our wrongs. So do we. You have no hope of a redress in the Union. We yet look hopefully to assurances that a powerful reaction is going on at the North. You seek a remedy in secession from the Union. We wish the united action of the slave States, assembled in convention within the Union. You would act separately; we unitedly." He ventured the prophesy that if such a convention were called, a solution could be worked out within forty-eight hours, which would appeal to the country and save the Union.[29]

This was statesmanship that found supporters among some of the greatest leaders of the South such as Alexander H. Stephens; but too few who had the direction of affairs accepted the plan, and so nothing came of it. Magoffin immediately called an extra session of the legislature to meet on January 17, 1861; and there now began a period of more anxious searching of souls and minds than had ever occurred before throughout the history of the state. That Kentucky was confronted with the most serious problem that had ever arisen within the span of her entire existence was evident to all. She would soon be forced to make a choice between union and secession, a decision most difficult for Kentuckians.

Well might the state feel the tugging pull of the various forces in her character and position, some northward and some southward, but she felt more strongly the urge of considerations and interests that demanded the preservation of the Union. While the average citizen began instinctively to weigh the arguments that led to the various ends and conclusions, the leaders of the state set feverishly to work to mould and erect public opinion into a practical weapon. Among those who commanded instant attention were John J. Crittenden, John C. Breckinridge, Robert J. Breckinridge, James Guthrie, Archibald Dixon, and Joseph Holt.

No one so completely typified the composite feeling of Kentucky at this time as Crittenden did; and to none so much as to Crittenden were the people looking for a solution of the dilemma in which the state found itself. He was considered the proper leader to carry on the tradition of peacemaker, which had so fittingly adorned Clay. As before noted, his celebrated compromise was introduced in the United States Senate in December, 1860, and met the instantaneous and practically universal approval of Kentuckians, masses as well as leaders. John L. Helm wrote him on January 15 (1861) that nineteen-twentieths of the people of

[29] *Official Records,* ser. IV, vol. I, 11-15; *American Annual Cyclopædia and Register of Important Events,* 1861 (New York, 1870), 395.

Kentucky were for his compromise.[30] John C. Breckinridge, as vice-president, presided over the Senate and showed by word and act his anxious desire that the plan succeed.[31] When failure became evident, great concern and almost consternation were felt in Kentucky. Thomas H. Clay wrote Crittenden, "For God's sake and for the sake of humanity, persevere in the noble effort of compromise."[32] Another pessimistically observed that all was lost. "Disunion inevitable."[33] Yet Crittenden did persevere to the last —responding to the calls from many parts of the state to speak words by which the people might live.[34]

While Crittenden was busily working at Washington for the preservation of the Union, the political leaders in Kentucky were assiduously engaged in organizing and expressing the opinion of the state. This was especially necessary as the legislature had been called to meet on January 17th, and the action taken by it would be greatly influenced by public opinion. On January 4, Robert J. Breckinridge spoke at length in Lexington, counselling moderation, and especially warning the people against precipitate haste in leaving the Union for any Southern confederacy that might be organized. The effect of this speech was not lost when spoken; it was printed in pamphlet form and scattered throughout the state, where it was widely read. The attitude of the three parties was, of course, of supreme importance, for through them would action in the legislature be controlled. On January 8th, the party situation was largely clarified, when the Bell and Douglas leaders held conventions in Louisville. Although meeting in separate halls, they were soon made to coalesce in spirit and purpose, the consummation of a movement that had started before the presidential election. Among those to whom credit was due for this early union of these great conservative forces were Archibald Dixon, Joshua F. Bell, and Garret Davis. A lengthy set of resolutions was drawn up, expressing the sentiments and laying down the program of this new party. It was readily admitted that the South had suffered many evils at the hands of the North, but secession at this time, it was held, would be hasty and ill-advised. Though a president had been elected on a platform of hostility to the South, they did not regard the election of Lincoln as a suffi-

[30] *Crittenden MSS.*, XXIV, 4994, 4995.

[31] See *Modern Eloquence,* VII, 104. Speech by J. C. S. Blackburn at the unveiling of the statue of Breckinridge in Lexington, November 16, 1887.

[32] *Crittenden MSS.*, XXIV, 4972. Jan. 9, 1861.

[33] *Official Records,* ser. I, vol. LII, part 2, p. 3. A. L. Saunders to Cole Saunders, Jan. 7, 1861.

[34] See *Crittenden MSS.*, XXV. *passim.*

cient cause for the dissolution of the Union.[35] The South would yet have time to secede if unconstitutional aggression should come. They called for the adoption of the Crittenden Compromise; and in the event that radical and unreasoning people should block it, they would call to their aid the conservative people of the North, "who have so long battled for our rights and endeavored to beat back the tide of fanaticism in their midst." The amendments provided for in this compromise should be submitted to the states, and if the disintegration of the nation were not stayed, the states adopting them should form a confederacy, "with power to admit new states under our glorious Constitution thus amended." Though their love for the Union was almost unbounded, they did not believe in preserving it through force. On this point they specifically declared, "That we deplore the existence of a Union to be held together with the sword, with laws to be enforced by standing armies; it is not such a Union as our fathers intended, and not worth preserving."[36]

In order to maintain political unity between the Bell and Douglas followers and to merge them into one party, a "Union State Central Committee" was formed; and among its members were J. H. Harney, W. F. Bullock, George D. Prentice, and James Speed.[37] The powerful support of Prentice's *Louisville Journal* and Harney's *Louisville Democrat* was thus secured, and forces hard to overestimate were now set up to further the principles of the united party. Also, the support of the *Frankfort Commonwealth* was not without weight.

The Breckinridge supporters as a whole were not far from an agreement with the general sentiments expressed in these Louisville conventions. Many of them still hoped for compromise within the Union, while others put more emphasis on immediately attaching the state to the South and letting the Union take care of itself through future negotiations. They were, however, united in the demand that a sovereign convention would be the proper method of determining the state's future course. Governor Magoffin assumed the direct leadership of the Breckinridge Democrats, and was greatly aided in the work by the *Louisville Courier, Frankfort Yeoman,* and the *Kentucky Statesman.* He had definitely determined after the visit of the Mississippi and the Ala-

[35] *Louisville Journal,* Jan. 10, 1861; *History of the Ohio Falls Cities and their Counties,* I, 323.

[36] Text of resolutions in *Congressional Globe, Part 4 and Appendix,* 32 cong., 2 sess., 80, 81 (appendix).

[37] Collins, *Kentucky,* I, 86.

bama commissioners, in December, to emphasize the calling of a sovereign convention in his message to the special session of the legislature; and during the few weeks preceding the meeting of the legislature, various county meetings gave their approval to the governor's course.[38] In his message, Magoffin declared that he favored the Crittenden Compromise, which it seemed, however, the North would not have. It was now, therefore, the course of wisdom to give the people of the state a chance to express themselves in a convention, which the legislature should call, "to which shall be referred for full and final determination the future of Federal and interstate relations of Kentucky." Although chiding the seceded states for their hasty action, he nevertheless could not forget that they were "struggling for their constitutional rights and resisting oppression" of "an anti-slavery government." Especially did he resent and resist the idea of coercion.[39]

The question of a convention immediately developed the first marked and distinct line of political cleavage, and became more and more the party shibboleth that divided the real secessionists from the great body of Kentuckians, who, though loving the South, loved the Union more. It was seen by the secessionists that the sooner a convention were called, the better it would be for them, for the original secession impulse that was sweeping the South must later come to an end. The *Kentucky Yeoman* said on the day the Legislature met, "Kentucky cannot stand still. The idea of a stolid neutrality to be maintained by Kentucky at a time when the remaining States of the Union are engaged in a deadly strife, is to our minds worse than absurd. . . . The cry of 'union' will not suffice to suppress the deep sympathy of the people of this state for those who are engaged in a war of defense against invasion of rights as dear and vital to Kentucky as to the Cotton States."[40]

The strong Union men boldly resisted the calling of a convention as they were unwilling to trust the excited masses and they feared the machinations of any convention that might come together. Robert J. Breckinridge counselled a fight to the end and advised the use of every known method of delay and obstruction. If the bill to call a convention should pass the legislature, he would have it submitted to a popular vote and if the people should declare for a convention, he would then admit that "all parties

[38] *Frankfort Yeoman,* January, 1861, *passim.*

[39] *Annual Cyclopædia,* 1861, p. 395; Speed, *Union Cause in Kentucky,* 27.

[40] Jan. 17, 1861.

ought to submit to the result of that vote, even though the very proceeding tramples every principle of constitutional liberty in the dust."[41] Garret Davis argued that if the legislature "should pass a secession ordinance without submitting it to the people it should be met by an armed resistance."[42] Joseph Breckinridge, a son of Robert J. Breckinridge, declared in early February that the Unionists around Danville were "almost so strong as to fight if an illegal —what we so consider—convention were to proclaim us out of the union."[43] There was in fact no great danger at this time of the people wanting to secede even though they had desired a sovereign convention, for in looking around their border lines, they saw Virginia, Maryland, North Carolina, Tennessee, Arkansas, and Missouri still in the union. Completely surrounded by loyal states in this fashion, they could look with little complacency on secession at this time. Prentice had no fear of secession even if a sovereign convention should be called; he was opposed to a convention because it was simply a needless and unconstitutional step, wholly uncalled for by the conditions at that time.[44]

All immediate danger of a convention was averted when the legislature refused to authorize a call—the same legislature, indeed, which had elected John C. Breckinridge to the United States Senate in a previous session. It also called upon the South to stay its work of secession, but it raised a warning hand to the North against coercion.[45]

Secession was thus not a popular expedient in Kentucky; but plans to save the union were never lacking. Magoffin and Crittenden had early busied themselves with devising compromises. Political training and experience as well as geographical position made the spirit of compromise the most natural development that could take place. Under the tutelage of Clay, the state had almost come to believe that devising compromises was one of her chief functions in the Union. In 1856, W. H. Wadsworth in a letter to Crittenden said, "Kentucky can never rejoice that the day of compromise is past. To do so would be false to her history, her position, and her dearest interest."[46] At a harmony banquet given in Louisville in the early part of 1860, attended by the legislatures

[41] *Breckinridge MSS.*, 1861. R. J. Breckinridge to his son, W. C. P. Breckinridge, Jan. 17, 1861.

[42] *Ibid.* Davis to R. J. Breckinridge, Jan. 19, 1861.

[43] *Ibid.* Joseph C. Breckinridge to W. C. P. Breckinridge, Feb. 13, 1861.

[44] *Louisville Journal*, Feb. 18, 1861.

[45] *Annual Cyclopædia*, 1861, p. 395; *Congressional Globe, Part 4 and Appendix*, 37 cong., 2 sess., 82 (appendix).

[46] *Crittenden MSS.*, XIX, 3801. Dated Sept. 5, 1856.

of Kentucky and Tennessee, the Kentucky and Indiana governors, and representatives from Ohio, the following toast was offered: "*Kentucky*—If treason to the Union shall prevail in the North or in the South, our noble State will stand between the two sections as stood the people of old between the living and the dead, to stay the progress of the pestilence—"[47] Kentucky had not only found compromise a basic principle in her own experience; but she had also seen in the rise and development of the National Government this principle more clearly marked than any other political device. As an observant Kentuckian put it, "All our sacred privileges, the birth of our nation, the constitution handed down to us by our fathers—all had been the work of conciliation. Why should we not avert a fratricidal and uncertain war by the same legitimate means?"[48]

Radical leaders in one section were too readily misjudged in another as representing the opinion of the mass of the people. Kentucky on the border of both was much more able to judge them than they were to judge each other. She felt that war was not desired by either; for a majority of the people in the South, the Bell and the Douglas supporters, had voted against a radical course, almost a majority had done so in the North, and three-fifths of the people of the Union had voted against Lincoln.[49] On January 29th, Richard T. Jacob introduced a resolution in the Kentucky house, which was not acted upon, declaring that Kentucky should assume the role of peacemaker so that by her counsel and mediation she might "aid in restoring peace and harmony and brotherly love throughout the land."[50] A Kentuckian who later voted for Lincoln twice, said in 1860, "The true position of Kentucky in the present crisis is to assume the stand of pacificator. She has nothing to gain, but much to lose, by throwing herself into the arms of any new confederacy, North or South."[51]

Mediation or compromise was, thus, a fundamental concept with the leaders as well as with the masses; but when direct compromise did not seem to be a successful plan, various other expedi-

[47] *Report of the Excursion made by the Executive and Legislatures . . . of Kentucky and Tennessee to the State of Ohio on the 26th, 27th & 28th Jan., 1860. . . .* (Cincinnati, 1860), 17.

[48] *Frankfort Commonwealth,* Dec. 8, 1863. Speech by Lieutenant-Governor Jacob before the Kentucky Senate, in 1863.

[49] For an excellent study in contemporary opinion, see Mary Scrugham, *The Peaceable Americans of 1860-1861* (New York, 1921), in Columbia University *Studies in History, Economics and Public Law,* XCVI, 3.

[50] Speed, *Union Cause in Kentucky,* 30.

[51] *Autobiography of J. J. Polk,* 136.

ents were resorted to—all in preference to secession. Differing combinations of states into confederacies were hit upon. General Winfield Scott had suggested just before the presidential election in 1860 that if worse should come to worst, it might be best for the people as a whole to split up the nation into four divisions, one of which would be the Mississippi Valley.[52] Even Robert J. Breckinridge thought the country might have to be divided into separate governments as a final solution. "Now, as for me," he said, "I will not secede if I can help it. If this state is for leaving the Union (which God forbid)—then I am for a confederacy with Tennessee, Virginia, North Carolina, Maryland, and Missouri; failing that, or something equivalent, I am for the separate independence of Ky. I am utterly opposed—and will resist to the uttermost of my ability, a confederacy of the fifteen slave states, deeming such a result the most fatal issue for *Kentucky*, that the terrible condition of things admits of."[53] In his speech in Lexington, January 4, 1861, he still maintained, "that in the progress of events, it may well become the border slave States to unite themselves into a separate confederacy," or it still would become the state "under various contingencies to assume a separate sovereign position, and act by herself."[54] It was not far from this latter idea to the position of neutrality later adopted. He looked with absolute horror on a combination of Kentucky with the states of the far South, for he felt that she would be a tool of the slavocracy. "If your design," he said, "is to accept the principles, purposes and policy, which are openly avowed in the interests of secession . . . ; if that is your notion of regulated freedom and the perfect security of life and property; if that is your understanding of high national prosperity, where the idea is more negroes, more cotton, direct taxes, free imports from all nations . . . . ; then undoubtedly Kentucky is no longer what she has been, and her new career, beginning with secession, leads her far away from her strength and her renown."[55] He took advantage of the sentiment for slavery by arguing that the institution could never be saved unless the border states formed a confederacy separate from the cotton states or unless Kentucky remained in the Union.

Judge S. S. Nicholas devised an ingenious scheme by which he would break up the secession movement and rout the radicals on

[52] *Rebellion Record*, I, 122, 123 (doc).
[53] *Breckinridge MSS.*, 1860. R. J. Breckinridge to W. C. P. Breckinridge, Nov. 15, 1860.
[54] *Discourse of R. J. Breckinridge, Jan. 4, 1861*, p. 21.
[55] *Ibid.*, pp. 16-21.

both sides. He would organize the Mississippi Valley states into a confederacy which would cut sharply across the line of slave division, and which, being based on many varied interests, would disrupt the Southern confederacy, based on slavery alone. It would be so popular that "If we chose we could pick our own Confederates." With such an arrangement, "we can counterplot most successfully both the Disunionists & the Republicans." He offered this plan to Crittenden on December 22, 1860, and wanted him to present it to the Senate in his next speech.[56]

Another Kentuckian suggested that if disunion must come, three confederacies ought to be formed in order that a third might always be used as a check or balance to prevent war between the other two.[57] As has already been noted, the Bell and the Douglas supporters, gathered in their conventions in Louisville on January 8th, suggested a confederacy to include those states which would accept the Crittenden Compromise.

Still other combinations based on other principles were suggested. John L. Helm wanted a confederacy to be set up and held together by various constitutional amendments so just and comprehensive that all the states would ultimately be attracted to it—thus would the Union be saved by destroying it.[58] But all these suggestions first presupposed the break-up of the Union; Kentucky as a whole was not yet ready to admit that the worst had come. This feeling led the legislature to propose on January 25th an interesting procedure never before tried in American constitutional history, but nevertheless absolutely constitutional and regular. It was felt not only by Kentuckians but by the people generally that the Crittenden Compromise would have been overwhelmingly adopted, had Congress given them a chance to vote upon it. The legislature now decided to make use of the very method the Federal Constitution had set up, by which the hostility of Congress might be circumvented, and the states be given the power to initiate constitutional amendments. This procedure provides for a national convention called by Congress at the instance of two-thirds of the states, which should formulate amendments to be submitted back to the states without the intervention of Congress. A call was issued to the other states to join in the movement, and suggestions made that the national convention adopt as a basis of settlement the Crittenden Compromise.[59]

[56] *Crittenden MSS.*, XXIII, 4858, 4859.
[57] *Ibid.*, XXV, 5134. Letter to Crittenden from Scott County, Feb. 3, 1861.
[58] *Ibid.*, XXIV, 4994, 4995. Letter to Crittenden, June 15, 1861.
[59] *Congressional Globe, Part 4 and Appendix*, 37 cong., 2 sess., 82 (appendix); Collins, *Kentucky*, I, 86.

This interesting move failed to arouse interest among the other states, and so it was soon forgotten. The last effort that had the possibilities of success in securing the adoption of the Crittenden Compromise thus failed. Yet Kentucky was ever ready to lend her aid to any movement that had as its purpose the saving of the Union. When Congress submitted to the states an amendment which provided for something already guaranteed by the Constitution and, therefore, constituting no compromise at all, namely: that Congress should never have the right to interfere with slavery within a state, Kentucky, still hopeful of some good coming from it, quickly ratified it.[60]

Four days after attempting to set in motion the machinery for securing a national constitutional convention, the Kentucky legislature appointed commissioners to the Peace Conference, called by "our old mother Virginia," to meet in Washington on February 4th. In his message to the special session of the legislature on January 17th, Governor Magoffin had recommended to that body that it call a conference of the border slave states and any others who wished to come, to meet in Baltimore in early February. Therefore, when Virginia's call came, the legislature readily accepted it instead of creating confusion by now following Magoffin's earlier recommendation, and suggested that the Crittenden Compromise be submitted to the conference as a basis for adjustment, attesting once more to the almost unanimous desire of Kentucky for this plan of settlement. Both Kentucky factions were represented on the delegation, which consisted of William O. Butler, James B. Clay, Joshua F. Bell, Charles S. Morehead, Charles A. Wickliffe, and James Guthrie.[61] Within a short time it was evident that the Peace Conference would be a complete failure; and again did Kentucky see with bitter anxiety the gaping sectional wounds grow wider as the spirit of compromise was snuffed out.[62]

Up to this time Kentucky had shown great resourcefulness along almost every line of compromise, seizing any expedient to use in staying the course of secession. With the fast rush of events she could not hope to continue with compromises indefinitely. When the time for compromising was past, then what? Time alone could answer surely.

[60] Collins, *Kentucky,* 87; *Acts of Kentucky,* January to April, 1861, pp. 51, 52.

[61] *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 82 (appendix); Collins, *Kentucky,* I, 86.

[62] For the report of the Kentucky commissioners on the Peace Conference, see Kentucky *Documents,* 1861, Vol. II.

CHAPTER III

NEUTRALITY ADOPTED

The day which saw the meeting of the Peace Conference in Washington also saw the birth of a new nation at Montgomery. One month later Abraham Lincoln was inaugurated president of the United States; and the nightmare of a half century was now a reality. The Union was broken up and its two parts were now organized in opposition to each other.

Lincoln was no hero in Kentucky; his vote here had been negligible, and even the strongest Unionists had no cause to plead in him. His "zigzagging to Washington for the inauguration with his strained efforts at joke-telling" was sneeringly looked upon by the strongest Union paper in the state, the *Frankfort Commonwealth,* which said, "Notwithstanding that 'Old Abe' is 'none of our funeral' it makes one feel like disowning his country when its chief magistrate makes such a fourth-rate fool of himself."[1] Kentucky Unionists had no sympathy with the Republican Party as such; their only object at this time was to prevent a break-up of the Union.

In their extreme zeal to defend the Union without appearing to support the Republican Party and its principles, they resorted to arguments too theoretical and metaphysical to be convincing to others than Kentuckians. They maintained that the government and the administration were entirely separate and distinct from each other; the one was permanent and unchanging, the other, temporary and transitory. The one was the combined heritage of past generations, the other was a temporary expression or a mood. Why endanger the one, the handiwork of past ages, simply because a person might disagree with the other, which had only a tenure of four years? The government had never been hostile to the people of Kentucky or to the people of any other state or section. It could not be hostile, as it was the constitution, itself, under which all had thrived and prospered. And if this instrument needed changing, there were no less than four methods by which amendments could be effected. Let Kentuckians fight the Republicans, if they would; but they should never touch the gov-

[1] March 1, 1861. Tri-weekly edition.

ernment. Archibald Dixon was foremost among those advancing this doctrine. In March, he said, "Let then the fight be, as it should be, with the Black Republican Party, and not with the Government. It will be time enough to wage war against the Government, and separate ourselves from it, when the people of the free States, after having had a fair opportunity of voting on the great question of right, decide such questions against us, and refuse us such guarantees as we have a right to demand of them."[2] Later he said, "This contest should be with Mr. Lincoln, and not with that flag—with the Union! It is Lincoln and his party who are enemies of the country—they are the foes of the constitution. . . . How long is his rule to last? In the history of nations, what is four years? How soon will he be dragged down and another and better man raised to his high place."[3]

The legislature had recessed in February to meet again on the 20th of March, by which time it was hoped that the national situation would be more intelligible and a solution of the difficulties easier. The pronounced Southern sympathizers, variously known as the Southern Rights Party or State Rights Party and coming almost entirely from the Breckinridge Democrats, were gradually becoming crystallized into an aggressive group. Their opponents, being for the most part the Bell and the Douglas men, assumed among other designations, the name, Union Democracy.[4] The former, having a direct purpose in view, were better united and more aggressive; the latter knew what they wanted, but they could hit on no plan that seemed to work. In fact, as long as they kept the state in the Union, one of their main objects was being served. Hence inaction tended to fasten itself upon them, except as they continued to suggest compromise and mediation and worked to frustrate the calling of a sovereign convention. The failure of the Crittenden Compromise was a keen disappointment to them. Orlando Brown wrote Crittenden on March 7th that Kentucky ought to form a central confederacy or else "stand on her own sovereignty." "We have no leaders," he said, "(at least none that I will recognize), and therefore I wish you to say something by which I can live or die."[5]

[2] *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 76 (appendix). Speech at Paducah, March 9, 1861.

[3] *Rebellion Record,* I, 74, 75 (doc.); *Louisville Journal,* April 21, 1861. Speech at Louisville, April 18, 1861.

[4] Leslie Combs in a letter to Joseph Holt, April 3, 1861, said, "We have adopted a double name 'Union Democracy'—the Breckinridge men see their mistake in taking that of 'State-rights'—as the Abolitionists did that of Republican." *Holt MSS.,* XXVIII, 3764.

[5] *Crittenden MSS.,* XXV, 5223.

In the interim between these two sessions of the legislature, the Southern Rights Party set vigorously to work to perfect plans that would force the legislature to call a sovereign convention. Efforts were made to organize Southern Rights clubs throughout the state, to serve as centers of influence in spreading Southern propaganda. It was planned that they should circulate petitions for signatures, calling upon the legislature to summon a sovereign convention. A state convention was also called to meet in Frankfort on March 20th—the day the legislature was to convene.[6] It was hoped, thus, to rush the legislature into calling a sovereign convention, soon after it should come together. This Southern Rights Convention, as it was called, met, but it failed to control the legislature or to have much influence over it.[7]

This session of the legislature lasted for a half month, and adjourned *sine die* without so much as even taking a vote on calling the sovereign convention. It was so torn with conflicting feelings that it could take no more definite action than to make another attempt at compromise by calling a convention of the border slave states to meet on May 27th. It showed its indecision as well as its desire to receive advice, by calling in John J. Crittenden and John C. Breckinridge to discuss the national situation, and two former governors, Charles A. Wickliffe and Charles S. Morehead, to report on the Washington Peace Conference.[8] It adjourned on April 4th, and the Union Democrats rested much easier than they had for the previous few months. The rocks of a sovereign convention had been definitely passed; for in August a new legislature would be elected which they believed would be overwhelmingly in favor of preserving the Union. One anxious Kentuckian remarked, "I was entirely easy, so long as we the people of the State should not be disturbed by the acts of Legislatures or Conventions; and without these we should have remained safe and out of harm's way."[9]

Kentuckians, generally, had hardly ceased congratulating themselves on their deliverance from an uncertain legislature, when they were suddenly plunged into a maelstrom of events so rapid in their quick succession that one week's time almost completely changed their outlook on the future, and left them stunned and bewildered with almost any reaction likely to follow. Close

[6] Circular letter preserved in the *Durrett Collection.* (In the University of Chicago Library.)

[7] *Kentucky Yeoman,* March 21, 1861.

[8] Collins, *Kentucky,* I, 87.

[9] *Crittenden MSS.,* XXV, 5250. Letter to Crittenden, April 11, 1861.

observers of the times had for months past watched with anxiety the situation developing through the occupation of certain Southern forts by Union troops; and as it became more critical they saw no way to avoid war unless the troops were withdrawn. John M. Harlan declared that war was inevitable as long as these troops remained in the South; and it was his belief that when war once came the border states would be sure to leave the Union.[10] On April 12th, Fort Sumter was fired upon; war had begun. The *Kentucky Yeoman* declared that "the occurrences at Charleston fill us with the most gloomy forebodings of evil to the country, with no apparent good result whatever. We regard it as the beginning of a long continuing bloody civil war, in which, in all human probability, the Border Slave States are to be unwillingly the battle fields."[11] A few days later the so-called Baltimore Massacre took place, blood was spilled, and feeling became more intense. Blanton Duncan, an ardent friend of the South, wrote the Confederate Secretary of War that the people in Louisville were enraged "beyond conception" and that if Northern troops should attempt to pass that way, something else besides paving stones would be used against them.[12]

On April 15th, through his Secretary of War, Lincoln called upon Kentucky for four regiments of troops and thereby raised for the state the greatest and most dangerous problem it had yet been compelled to face. The days of inaction had passed; a decision had to be made. Had the legislature been in session and had it been allowed to decide, whatever its action might have been, there would have been delay. But it was not to be so with Governor Magoffin; without hesitation he sent the defiant reply: "I say, emphatically, Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States."[13] The state, almost as a unit, applauded. The staid, Union-loving Prentice, on learning of Lincoln's call, said, "We are struck with mingled amazement. . . . The Administration is not of our choosing. We did not help to bring it into power. It is composed of our deadly political foes."[14] Crittenden agreed that Magoffin had taken the proper course; in a letter to General Scott he declared that the Federal government failed to understand Kentucky's position,

[10] *Holt MSS.*, XXVIII, 3717. Letter to Holt, March 11, 1861.

[11] April 16, 1861.

[12] *Official Records*, ser. I, vol. LII, part 2, p. 57. Letter dated, April 20, 1861.

[13] *Rebellion Record*, I, 27 (diary); Collins, *Kentucky*, I, 87.

[14] *Louisville Journal*, April 15, 1861.

that to send troops was to invite certain civil strife and war at home.[15]

In this defiance, Kentucky had assumed a degree of sovereignty that certainly did not leave her Federal relations unimpaired. It might be true that Lincoln's call for troops was legal and constitutional; but Kentucky agreed with Prentice that it was terribly inopportune.[16] A movement now set in throughout the Southern states still in the Union, which developed a second wave of secession accompanied by feeling as intense as when South Carolina had started the original revolt. The greatest question now was: Would Kentucky join it?—Could she be prevented from joining in? The Southern Rights men were in favor of seceding immediately and of sending aid to the South; but as exasperating as the provocation was, the great body of Kentuckians could not be swayed in that direction. There seemed to be a greater determination now than ever before to maintain a stolid position of mediation and compromise, despite the dismal failure of all previous efforts—to cling tenaciously to the Union and to perform only those functions that were deemed warranted by circumstances. An understanding and appreciation of this position now developed quickly.

John J. Crittenden set forth in a speech at Lexington on April 17th the general feeling that had been developing steadily for months. He declared that Kentucky had had no part in bringing on the war, but on the contrary she had exerted every effort to stay its approach. He boldly asserted that to be consistent now she should refuse to help either side and should continue to stand between the hostile sections as a peaceful mediator.[17] This was a clear enunciation of Kentucky's position of neutrality. The Union State Central Committee, which had been formed at the conventions of the Bell and the Douglas men in Louisville on January 8th to bind those two parties together and formulate their united program, now (April 17th) hurriedly issued an address to the people.[18] They declared that in her refusal to send troops Kentucky had "acted as becomes her. . . . The Government of the

[15] Speed, *Union Cause in Kentucky,* 54, 55.

[16] *Louisville Journal,* April 16, 1861.

[17] Collins, *Kentucky,* I, 87. In a letter on April 30th to his son, George, who was in the United States army, Crittenden advised him not to resign his post as so many others had been doing. He declared Kentucky wanted to keep out of war and "occupy the position of a friendly neutral and mediator between the belligerents." Coleman, *Life of Crittenden,* II, 321, 322.

[18] Among those on this committee were George D. Prentice, J. H. Harney, W. F. Bullock, and James Speed.

Union has appealed to her to furnish men to suppress the revolutionary combinations in the cotton States. She has refused; she has most wisely and justly refused. Seditious leaders in the midst of us now appeal to her to furnish men to uphold those combinations against the Government and the Union. Will she comply with this appeal? Ought she to comply with it? We answer with emphasis, no."[19] This truly represented the position of the Union men in the state at this time.[20]

On April 19th an enthusiastic Union meeting was held in Louisville attended by 5,000 people and described as "one of the grandest and largest public meetings ever held in Louisville." It came together "in response to a call for a sober expression, as to the proper position for Kentucky to assume in the present crisis." The American flag draped the speaker's stand and was cheered repeatedly. James Guthrie, Archibald Dixon, and others swayed the people into a complete agreement with the neutral position already advocated by Crittenden and the Union State Central Committee. In a speech florid with oratory woven around the glorious flag, the symbol of patriotism and all that Kentuckians held dear, Dixon referred with sarcasm and bitterness to Lincoln's call for troops: "Can he make Kentucky help him kill? He had a right to demand troops and he did. Glendower could, as he said, call spirits from the vast deep, but would they come when they were called? Will the troops from Kentucky come at his call? No; they will never lend themselves to such a cause.

"But Kentucky will stand firm with her sister border States in the center of the Republic, to calm the distracted sections. This is her true position, and in it she saves the Union and frowns down secession."[21]

In a series of resolutions which were adopted, the meeting declared its opposition to Lincoln's call for troops, but maintained "That secession is a remedy for no evils, real or imaginary, but an aggravation and complication of existing difficulties." It held "That the memories of the past, the interests of the present, and the solemn convictions of future duty and usefulness in the hope of mediation, prevent Kentucky from taking part with the seced-

[19] *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 81 (appendix).

[20] As evidence that the strongest Union men on the northern border agreed with this position, R. M. Robinson wrote Crittenden, April 20, 1861, from Covington, that the Union men there agreed with the policy of neutrality and that most of the people there were Union men. *Crittenden MSS.,* XXV, 5259.

[21] For the proceedings see *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 74, 81 (appendix); *Rebellion Record,* I, 73 (doc.).

ing States against the General Government." Then, in the words of the Address of the Union State Central Committee, it resolved, "That 'the present duty of Kentucky is to maintain her present independent position, taking sides not with the Administration nor with the seceding States, but with the Union against them both, declaring her soil to be sacred from the hostile tread of either, and, if necessary, to make the declaration good with her strong right arm'."

Perhaps no party in the history of the state ever announced more nearly the general desires of the people than the Union men did at this time in their neutrality stand. Consciously or unconsciously the state had been advocating and living this doctrine since the secession of South Carolina. It was in fact thoroughly in keeping with her training for the past half century. The powerful force of Prentice's *Louisville Journal* had been exerted in its favor since January, and the supporting stand of Robert J. Breckinridge and of John J. Crittenden had been evident equally as long. Neutrality was logically and inevitably the result of the spirit of mediation and compromise; and it was assumed by the state to make possible a last attempt to use these methods, and as a protest against being forced into a war abhorrent and detestable because it seemed to be criminally unnecessary. In January Prentice said, "And when the shock of war shall, if it must, come at some future day, let Kentucky be found standing in armed neutrality beneath the white flag of peace—an asylum for the victims of Civil War, and a sublime example to our erring countrymen."[22]

Since mediation should be impartial, Kentucky would, therefore, take sides with neither section, but should stand squarely on the constitution and the Union. On April 1st Prentice said that anyone who deviated from neutrality "into the line of apology for the Republicans becomes the ally of anti-slaveryism, and he who deviates from it into the line of apology for the seceders becomes consciously or unconsciously the ally of disunionism."[23] Many people believed with almost childlike simplicity that Kentucky's mere stand as a mediator and a neutral, even if all active efforts at compromise should come to nothing, would in some way save the Union. On April 20th Prentice called Kentuckians to a sense of their duty: "KENTUCKIANS! YOU CONSTITUTE TODAY THE FORLORN HOPE OF THE UNION. We tell you but a plain unvarnished fact. You are the forlorn hope of

[22] *Louisville Journal*, Jan. 28, 1861.
[23] *Ibid.*, April 1, 1861.

the Union, and you cannot shrink from the high position without sacrificing your own most sacred interests. Will you stand firm and gloriously in the breach or will you ignobly and insanely fly?"[24]

It was even believed that Kentucky has been divinely ordained to be a peacemaker. James Guthrie said, "Now, I don't believe that the overruling Providence that was with us through the Revoluition, in the councils of the framers of this Government, and has been with us ever since, has deserted us, and I hope He has chosen Kentucky to be the great mediator for the restoration of peace and the preservation of our Country."[25] The grandeur of her position inspired one of her poets to say:

"Orbed in order, crowned with olives, there invoking peace, she stands;
Wreck and roar of revolution,
Anarchy and dissolution.
In the music and the glory, of the good old Constitution,
Sphered forever, there she stands!
It is there Kentucky stands!"[26]

The deep love of Kentuckians for peace, despite the fact that their record for a century past showed their reckless skill and bravery as warriors, and their feeling that the war now imminent was insane and criminal, were additional reasons why they should assume and maintain their present position. War would defeat the very object Kentucky was striving to secure; for as the *Louisville Democrat* said, "When war begins, where will it end? Will it not defeat forever the object, the restoration of the Union? We are satisfied it will. Time and the policy of conciliation will restore all that is lost. Force will destroy all hope of such a result."[27] The war had been precipitated over a trifle—a difference between Lincoln and Davis over the etiquette surrounding the removal of the troops from Fort Sumter. To drag millions of people into the maelstrom was a callous crime. It was the work of demagogues and self-seekers. James Guthrie declared that although Lincoln gave no evidence of a warlike disposition in his inaugural, yet he suspected it, "for like a serpent, it spoke with a forked tongue."[28] "Demagogues at the North and demagogues

[24] *Louisville Journal,* April 20, 1861.

[25] *Rebellion Record,* I, 73 (doc.). Speech at Louisville, April 19, 1861.

[26] *Ibid.,* II, 61 (poetry and incidents). Quoted from the *Louisville Journal.*

[27] Quoted in *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 77 (appendix).

[28] *Ibid.,* I, 73 (doc.). Speech at Louisville, April 19, 1861.

at the South," Archibald Dixon charged, "have divided the country; they would strike the dagger to the hearts of their brothers; they inaugurated the civil war now raging, and wish to drag you on with them. I say, for my part, I am not to be forced." "Let us wait for reason to resume her seat," he counselled.[29] What right had a few hot-heads to destroy the richest gift of the past? An anxious Kentuckian wrote Crittenden, "Our fathers, and some of us, fought for that liberty; and we feel that it is our right to demand of the North and the South, that they shall not despoil us of our goodly heritage."[30]

The feeling persisted among Kentuckians, and they were well situated to judge, that the great mass of Americans in 1861 were peaceable, that the majority had voted the year before for a conservative course, and that all that was necessary was to afford leadership for the incoherent masses. James Guthrie declared in the Union meeting at Louisville on April 19th, "I want Kentucky to take her stand for peace, and appeal to that still, small voice in the North crying for peace. There are religious men from habit, education, and from profession, whose hearts, when Kentucky calls for peace, will be reached, and whose voices will reach the powers that be, and we will have peace."[31]

Although Kentucky had a passion for peace because it would preserve the Union, she felt that there were some things more dear than peace and other things more abhorrent than war. If war must come and the state were invaded, the enemy must be repelled. Archibald Dixon declared on April 19th that "Kentucky is always ready to fight. She was born to fight when necessary, and when the soil of Kentucky is stained with blood, let her enemies tremble."[32] More than a month earlier he had asked whether Kentucky would "suffer the foot of a Black Republican invader to desecrate her soil, whether the object of such invasion be the subjugation of her own brave and noble sons or of her brethren in her sister slave States? *Never, Never.*" At this time

[29] *Rebellion Record,* I, 75 (doc.). Speech at Louisville, April 19, 1861.

[30] *Crittenden MSS.,* XXIV, 5069. T. P. Dudley to Crittenden, Jan. 24, 1861.

[31] *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 74 (appendix). Speech at Louisville, April 19, 1861. Continuing he said, "Let us stand boldly and fearlessly, as is characteristic of Kentuckians, and cry peace! Hold fast to that we know to be good, and let those men who want to make the experiment of secession go as individual amateurs, and find congenial spirits for their work. . . . There will be a time when Kentucky's voice, if she stands firm on her own soil, fighting with neither section—will be heard by millions of people of the free States, who will hearken to us and say: 'Why should there be strife between us and you?' "

[32] *Rebellion Record,* I, 75 (doc.). Speech at Louisville.

he offered the suggestion of falling back on the Resolutions of 1798, and of nullifying all laws passed to coerce the South. Then if Lincoln should invade Kentucky, "let her meet him sword in hand, and appeal to the God of battles to determine the right between them."[33]

Kentucky would not only resist an invasion of her own soil; she would not stand idly by and see other Southern states invaded. At this time (April) her strongest Union leaders were absolutely opposed to the Federal government coercing the South. The Union State Central Committee in its address on April 17th stated this positive policy as a part of the Union program: "What the future duty of Kentucky may be, we, of course, cannot with certainty foresee, but if the enterprise announced in the proclamation of the President should at any time hereafter assume the aspect of a war for the overrunning and subjugation of the seceding States through the full assertion therein of the national jurisdiction by a standing military force, we do not hesitate to say that Kentucky should promptly unsheath her sword in behalf of what will have then become her common cause."[34] Many of those who were too peaceably inclined to subscribe to this policy had much the same feeling of a Kentucky woman who expressed herself thus: "We believe in self government. Why will we not let the South govern her self it would be I think an act of justice to acknowledge her independence. If the South is as vile as the North represents What do they want with her?"[35]

This threat of secession if attempts were made to coerce the South, while announced as a policy of the Union party, was received with much less accord than the neutrality stand. The Union meeting in Louisville did not fully endorse or reiterate this policy. It was sobered by the fear of an invasion from the states north of the Ohio along a frontier of 700 miles, separating a million people from four or five million. It declared that Kentucky still acknowledged "her loyalty and fealty to the Government of the United States, which she will cheerfully render until that Government becomes aggressive, tyrannical, and regardless of our

[33] *Congressional Globe, Part 4 and Appendix*, 37 cong., 2 sess., 76 (appendix). Speech at Paducah, March 9, 1861. James Guthrie said on April 19th, "If the North comes to ravage our land, we will meet them as Kentuckians always meet their foes. We will meet them as Kentuckians should meet them, so long as there is a tree for a fortification or a foot of land for a freeman to stand upon." *Ibid.*, 74 (appendix).

[34] *Ibid.*, 81 (appendix).

[35] *Holt MSS.*, XXXI, 4109. Letter from an aunt to Joseph Holt, Nov. 18, 1861.

rights in slave property"; but that government would be held to a "rigid accountability" as to its acts.[36] It was difficult for the great body of Kentuckians to rid themselves of the feeling that it was largely due to the precipitate course of the Southern states that she was now placed in this precarious position. In January Leslie Combs had declared that "They have 'precipitated' themselves into Revolution and wish to 'drag' us after them—into the bottomless pit."[37] Furthermore, no convention of the Southern states acting together had been held to devise a solution or to formulate a uniform course of action. Statements attributed to certain influential citizens of the Confederate States that no compromise could bring them back offended deeply the state's fundamental feelings.[38] A remark claimed to have been made by Howell Cobb, the Confederate Secretary of State, that the border states would have to do all the fighting, while the South undisturbed might go about its business raising slaves and cotton, gained wide currency in Kentucky; and although it was indignantly denied by Cobb, it did much to alienate sympathy for the South.[39] Another reason that caused Kentucky to look with less favor on the South was the fact that virtually all the public lands remained with the Federal government.[40]

As previously suggested, Kentucky had reason to fear for her long unprotected northern border. In January, in answer to the report that various Northern states, including Ohio, had tendered men and money to the Federal government, the Kentucky house by an almost unanimous vote warned those states that she would resist an invasion of the South "as one man."[41] The firing on Fort Sumter had greatly excited the people north of the Ohio; and within a short time they had raised over $6,000,000 in contributions to the Federal government and had offered the services of an ever increasing number of soldiers.[42] By the end of April

[36] *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 81 (appendix). The *Frankfort Commonwealth* maintained that if Kentucky should secede now, it would be in effect a declaration of war against the United States, which would soon convert her into a battlefield. Issue of April 26, 1861.

[37] *Crittenden MSS.,* XXIV, 5051. Combs to Crittenden, Jan. 22, 1861.

[38] *Breckinridge MSS.,* 1861. Geo. B. Hodge to W. C. P. Breckinridge, April 10.

[39] The reputed statement of Cobb was published in the *Louisville Journal,* April 27, 1861. Cobb's denial was published in the *Southern Confederacy* (Atlanta), May 7, 1861.

[40] Attention was called to this in the *Louisville Journal,* May 20, 1861.

[41] *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 82 (appendix); Collins, *Kentucky,* I, 86. Passed January 21, 1861. See also *Crittenden MSS.,* XXIV, 4994, 4995. John L. Helm to Crittenden, Jan. 15, 1861.

[42] *Rebellion Record,* I, 198 (doc.)

reports had come that "Every town in Illinois" was "mustering soldiers, and many of the towns of five or six thousand inhabitants" had "two and three companies ready for action."[43] These and other indications of the rising hostility on the north bank of the Ohio caused considerable uneasiness. Leslie Combs sent a plea to a friend in Cincinnati, in the latter part of April, calling upon the people north of the river to stay any intended hostilities against Kentucky. "In Heaven's name!", he exclaimed, "let us alone—keep the peace on your side of the river, and we will give treason such a rebuke in Old Kentucky that it will never again dare to raise its hideous head among us. We cannot turn our Governor out of office until his term expires, and he is the military commander-in-chief of the State; but we can keep Kentucky in the Union—if you will let us." He called attention to the fact that Kentucky had in the early days helped to reclaim Ohio from the savages, and he now asked whether Kentucky was to be rewarded "by having her soil invaded by the sons whose mothers we protected? Is my house to be fired, over the heads of my children and grandchildren, by the children of those for whose sake I staked my life, and suffered innumerable hardships in 1812-'13? The answer is with Ohio."[44]

So completely did the idea of neutrality permeate Kentucky thought, that the Southern Rights Party found it difficult to make headway in any plan by which it might be hoped to carry the state out of the Union. Many of the more intrepid were too prudent to attempt to force the issue at once; while others, seized with the inertia of neutrality, drifted with the current. John C. Breckinridge, the leader of the moderates in the Southern Rights Party, could find no enthusiasm for neutrality, yet he did not urge a precipitate course. He was so conservative that later he was accused of dallying with time when immediate action was necessary.[45] On April 20th, he made a speech in Louisville, in which he maintained that neutrality was untenable and impracticable; yet he was against a resort to war. His real sentiments were somewhat veiled; but he came out clearly enough to advocate the calling of a convention to consult with and aid Kentucky's congressmen in presenting a plan or protest to the extra session of

[43] *Rebellion Record,* I, 45 (diary). Quoted from the *Boston Transcript,* May 1, 1861.

[44] *Rebellion Record,* I, 81 (poetry and incidents). Letter dated April 27, 1861 and copied from the *New York Evening Post,* May 7, 1861.

[45] *Modern Eloquence,* VII, 107, 108. Blackburn's speech at Lexington, Nov. 16, 1887.

Congress, called to meet in July.[46] That he might convert such a meeting into a sovereign convention was not beyond a possibility, as he had previously (March 20th) stated in the United States Senate that worse calamities might befall the people than a disrupted Union. "I inherited and all my life have cherished," he said, "a habitual and cordial attachment to the constitutional Union and now would be willing any day to die for it. But while I believe that administered according to the true principles of the Constitution, it is the best government on earth, I also believe that administered without the lines of the Constitution, by the simple power of a sectional majority, it becomes the worst on earth; and for myself, neither in public nor in private life, will I consent to sacrifice the principles of constitutional, of municipal liberty, and of State equality, to the naked idea of Federal unity."[47]

But there were other more impetuous sympathizers with the Confederacy, who entered into communication with that government for the purpose of affording it direct and immediate military aid, regardless of their success in leading the state as a whole to join in. Blanton Duncan inquired of Judah P. Benjamin, the Confederate Attorney-General, on March 6th, whether the Confederacy would accept a regiment of Kentucky troops. Secretary of War Walker answered that it must first be determined whether war would come and also whether Kentucky troops could be received "without disturbing the friendly relations between your State and this Government. . . ." He furthermore stated that "until this question of war is fully settled it is impossible for me to give a more definite answer to your patriotic proposition."[48] Governor Magoffin was unquestionably approached by Confederate agents, and it was determined that he would not oppose the entrance of Kentuckians into the Confederate armies; for before the end of March considerable progress had been made in organizing Kentucky troops.[49] On the very day Fort Sumter was fired upon, Duncan wrote Secretary Walker that numerous companies could be rendezvoued within three days, and that 10,000 could be raised at once if a gun were fired.[50] Many Kentuckians were now organized and anxious to leave upon receipt of orders to embark down the Mississippi,[51] and when the news of Fort Sumter was

[46] *Louisville Journal,* April 22, 1861; *Rebellion Record,* I, 34 (diary).
[47] *Modern Eloquence,* VII, 105, 106.
[48] *Official Records,* ser. I, vol. LII, part 2, p. 26.
[49] *Ibid.,* 31, 32. Duncan to L. P. Walker, March 29, 1861.
[50] *Ibid.,* 43, 44.
[51] *Ibid.,* 44. B. M. Anderson to L. P. Walker, April 12, 1861.

received the movement toward volunteering for the Southern armies was greatly accentuated. Duncan wrote Walker, "I am overwhelmed with applications for authority to raise companies."[52] John Morgan, who later became one of the greatest cavalry leaders of the war, wrote Jefferson Davis, "Twenty thousand men can be raised to defend Southern liberty against Northern conquest. Do you want them?"[53]

The Confederate government was now being deluged with inquiries as to whether Kentucky troops would be accepted and if so whether commissions would be issued to raise them. As late as April 16th the Confederacy was holding to the policy of accepting no troops from states outside of its limits.[54] So anxious were Blanton Duncan and others to lead their men into the Confederate service that they made an agreement with the governor of Louisiana whereby their forces should be tendered to the Confederacy as part of that state's quota. President Davis agreed to this arrangement and by April 19th Duncan had promised to send the Louisiana governor 1,500 Kentuckians.[55]

Whatever martial ardor there was in Kentucky at this time seemed to be overwhelmingly in favor of the South. The defiant refusal of Magoffin to comply with Lincoln's call for troops was received with such universal applause that the Confederate Secretary of War Walker, believing that there must be much sentiment for the Confederacy, addressed a call to Magoffin on April 22nd for a regiment to be sent to Harper's Ferry.[56] The text of Magoffin's answer is not known, but according to a contemporary he "promptly, and in the fewest words, declined to comply with the request."[57] An apologist, writing three days later, declared that Magoffin could not send troops to the Confederacy "from motives of policy."[58] With the situation in Kentucky as it was at that time, it is evident enough that by officially sending troops to the Confederacy and thus refusing to respect the neutral attitude assumed by the Union men, he would have precipitated the state into internal civil strife, destructive to the state's influence

[52] *Official Records,* ser. I, vol. LII, part 2, 46. April 13, 1861.

[53] *Ibid.,* p. 49. April 16, 1861.

[54] *Ibid.,* 49. J. J. Hooper to B. M. Anderson, April 16, 1861.

[55] *Ibid.,* 50, 56.

[56] *Ibid.,* ser. IV, vol. I, 231, 232. This was a circular letter addressed *mutatis mutandis* to the governors of Arkansas, North Carolina, Tennessee, and Kentucky.

[57] Collins, *Kentucky,* I, 88.

[58] *Official Records,* ser. I, vol. LI, part 2, pp. 37, 38. Duncan to L. P. Walker, April 25, 1861.

as well as to all hope of effectively leading it ultimately into the Confederacy. But he did allow to be done covertly that which would have been disastrous if it had been done openly: Three hundred troops left the state on April 25th under Joe Desha and others for Nashville,[59] and by May 5th Blanton Duncan with 480 Kentuckians was at Harper's Ferry, in compliance with Walker's call. Four hundred more were expected by the end of the week, and more were forming.[60]

Governor Magoffin now secretly entered into complete accord with the Confederate authorities, and allowed them to carry on recruiting unhampered. On the day following the firing on Fort Sumter, the Confederate government sent Capt. Thomas H. Taylor to make a preliminary investigation looking toward "the establishment of recruiting rendezvous" in Louisville, Frankfort, Lexington, Covington, and in any other suitable places;[61] and on the day after the call on Magoffin for troops, Confederate recruiting service was set up in Kentucky.[62] At this time the Confederate War Department reported that there had been established the "co-operation of Kentucky with this government in our military movements," and that it could refer questions concerning recruitting "to His Excellency Governor Magoffin."[63] A surprising agreement was reported to have been entered into with the Louisville and Nashville Railroad, whereby all Confederate recruits bound for Nashville under permission of Governor Magoffin should be transported free of charge.[64]

But rumblings north of the Ohio, as before noted, were causing much uneasiness in Kentucky; and fear of attacks from that quarter were growing. Although Governor Magoffin had given the Confederate recruiting agents permission to enlist in Kentucky as many troops as they wished, his growing apprehension of Northern invasion led him to discountenance further Confederate recruiting.[65] General Gid J. Pillow, who was in command of Confederate troops on the southwestern border of the state

[59] *Ibid.* Duncan to Walker.

[60] *Ibid.*, p. 66. Duncan to Walker, May 5, 1861. There was a rather constant stream of troops to Virginia for the weeks following. *Ibid.*, 137. See also *ibid.*, vol. LII, part 2, p. 72.

[61] *Ibid.*, 44. S. Cooper, Confederate adjutant general and inspector general, to Taylor.

[62] *Ibid.*, 65. Cooper to G. B. Crosby.

[63] *Ibid.*, 67. John Tyler, Jr. (Confederate War Department) to B. W. Shays, April 24, 1861.

[64] *Ibid.*, ser. I, vol. LII, part 2, p. 68. St. G. Croghan to L. P. Walker, April 24, 1861.

[65] *Ibid.*

and who had been in communication with Magoffin, believed that the Kentucky governor was a "patriot, and when he is prepared for resisting an invading force he will act with boldness and promptitude, as I fully believe." Although admitting that Kentucky would likely be powerless against an attack by the North, Pillow thought that Magoffin was not justified in trying to ward it off by coming to terms with Lincoln, as he believed had been done. He cautioned the Confederate Secretary of War "against confiding your secrets or movements to Governor Magoffin until he gets his household better regulated. He is surrounded by Black Republicans, and they know everything that passes on the wires to him. Beware, therefore! I condemn and utterly abhor his neutral policy, or rather his alliance with Lincoln; but yet I am satisfied that he will ultimately break the shackles with which he is now manacled. At present, however, we need not count upon his coöperation in anything."[66]

Magoffin found it difficult to restrain his sympathy for the South, as was shown in the understanding he entered into with the Confederacy. But the situation in and around Kentucky was too complicated to allow him the hope of leading the state out of the Union immediately. He was in fact not an original secessionist, and he had long shown a sincere and honest desire to compromise the national difficulties and save the Union. It was the expression of this feeling as well as the fear of attack from the regions north of the Ohio that led him into a bold scheme for averting war. In the latter part of April he attempted to bind the border states of Kentucky, Tennessee, Missouri, Ohio, and Indiana into a sort of league of neutrality, for the purpose of mediating if possible. There was a rather widespread feeling over Kentucky that if the spirit of compromise prevading the border states could be welded together and a neutral stand assumed by all, their combined influences might force the sections to settle their difficulties short of war. The *Louisville Democrat* declared that a neutral Kentucky would become "the rallying point for patriots from all portions of the land. Western Virginia, southern Ohio, southern Indiana, and southern Illinois will stand by her to a man, and we are very much mistaken if Tennessee will not heartily co-operate."[67] The positive military threat that such a combination might hold was

[66] *Official Record*, ser. I, vol. LII, part 2, pp. 68-70. Pillow to Walker, April 24, 1861.

[67] April 19, 1861.

also considered to be a good argument.[68] To carry out this plan Governor Magoffin sent Simon Boliver Buckner as his personal emissary to the governors of Missouri and Tennessee for the purpose of securing their adherence. The venture seemed promising as it was about this time that John Bell and other prominent Tennesseeans came out for neutrality for that state. Buckner secured conferences with the leaders in these states and reported that they would enter into the plan.[69] Elated by the success so far attained, Magoffin entered into negotiations with Ohio and Indiana; but here he found no sympathy for his scheme. Governor Dennison of the former state said that the Federal government was clearly within its rights in its handling of the situation, and that the only solution outside of war was for the South to come back into the Union. Governor Morton of Indiana, even more emphatic in his reply, declared that a state had no right to act as a mediator and that Kentucky should abandon her neutral stand and take her place beside Indiana in upholding the Union.[70]

Thus was Magoffin again reminded of the headstrong and uncompromising attitude assumed by the North. War, it seemed, was desired in that region. Magoffin truly abhorred thoughts of a war. Although openly the friend of the South, he had the true Kentucky instinct of compromise, and in truth had no desire to play the tyrant and force the state into a position not desired by the people. Yet he still believed that the people should be given the right to show their wishes by allowing them to elect a sovereign convention—was this not the democracy that all were supposed to stand for? Until the people acted, he believed the legislature should bear the responsibilities of the troublous times and should immediately begin to provide for the defense of the state. That these things might be done, he called a special session to meet on May 6th.

Two days before the legislature met, an election took place for twelve delegates to the Border Slave States Convention, which

[68] Archibald Dixon said in his speech at Louisville, April 19, "Let him [Lincoln] not rouse the sleeping lions of the border states." *Rebellion Record,* I, 76 (doc.)

[69] R. M. McElroy, *Kentucky in the Nation's History* (New York, 1909), 519, 520.

[70] Collins, *Kentucky,* I, 89. At this time an aunt of Joseph Holt wrote him, "I do not Join either side until you can determine which is write. . . . Indiana now sais that Ky shall decide one way or other & that she shall Join either North or South the Governor of Indiana sais if Ky is not for them she is against them & that she must quickly make a choice. I think it is very officious of him." Mary K. Stevens to Holt, May 1, 1861. *Holt MSS.,* XXVIII, 3184.

had been called by the legislature on April 3rd to meet in Frankfort on May 27th.[71] In the campaign preceding this election the Southern Rights Party withdrew its candidates a few days before the voting took place, with the result that, of course, the Union candidates were elected. But the vote of 110,000, which was two-thirds of all the votes cast in the presidential election of 1860, showed clearly that the mass of the people were not yet ready to leave the Union. The Union candidates had stood for the Crittenden Compromise; while the Southern Rights Party had held out for a more radical course. Withdrawal of their ticket had been ordered when they saw how tenaciously Kentucky still clung to the forlorn hope of compromise, and especially compromise on the basis of the Crittenden resolutions.[72] However, their published reasons were that war had actually begun and that the convention was already doomed to failure.[73] As for them, the days for more direct action had arrived.

By this time Magoffin had come to believe that something more than conventions summoned to concoct compromises should be done. If the state was to be neutral, it should make itself strong enough to ensure respect for its position from all quarters. In his call for the special session he declared that, "The tread of armies is the response which is being made to the measures of pacification which are being discussed before our people. . . ."[74] In his message to the special session, on May 6th, he strongly advised the submission of the question of a convention to the people.[75]

It was soon apparent that the Legislature would not follow his recommendation, but instead that it would endorse the position of neutrality, which the people of the state had been in the process of assuming since the beginning of the year. In arriving at this position there were many conferences and much negotiation between the Union and Southern Rights parties. There was a strong and widespread desire that whatever the state should do should be agreed upon by all. Otherwise internal conflicts and turmoil

[71] *Congressional Globe, Part 4 and Appendix*, 37 cong., 2 sess., 82 (appendix); Collins, *Kentucky*, I, 87; *Acts of Kentucky* January 17-April 5, 1861, pp. 26, 27.

[72] Blanton Duncan (in a letter May 6, 1861) thought the Southern Rights Party had not nominated the right candidates and that it made a mistake especially when it let the opposition appropriate the platform of the Crittenden compromise. *Breckinridge MSS.*, 1861.

[73] *Louisville Courier*, May 4, 1861; *Louisville Journal*, April 27, 1861.

[74] *Rebellion Record*, I, 144, 145 (doc.).

[75] Collins, *Kentucky*, I, 89.

would arise which would surely prove fatal. An ardent Southern Rights editor declared that, "Of all the calamities which now impend, the most horrible would be dissention at home. In the name of our firesides and our homes, of the glorious memories of the past, and all the hopes of the future, we beseech our people to stand together."[76] Soon after the legislature met, the Union party appointed Crittenden, Dixon, and S. S. Nicholas to hold a conference with representatives from the Southern Rights or Breckinridge party, with the understanding that both factions in the legislature should carry out whatever unified program might be agreed upon. John C. Breckinridge, Governor Magoffin, and Richard Hawes represented the Southern Rights men. These six arbitrators met in Frankfort and the Breckinridge group immediately suggested the calling of a sovereign convention; but the opposition to this solution was so strong that it was abandoned. It was next proposed that the state should officially assume a neutral attitude and arm itself against invaders from any quarter. All agreed that this stand should be adopted. Yet harmony had not been reached, for the Union party had come to mistrust Magoffin so thoroughly that they proposed to take the arming of the state out of his power and place it in the hands of a military board, consisting of five men. Buckner, the inspector general of the state guards, was agreed upon as one of the members, and the remainder were to be made up by each side appointing two. The program seemed to have been agreed upon, only to fall to pieces when the Breckinridge men designated Magoffin as one of their choices. The Union legislators later refused to ratify the plan even with Magoffin left off. Due to the uncompromising attitude at this time of the very ones who had been seeking compromise in other fields, the whole conference failed.[77]

Lincoln had been watching Kentucky closely since the secession movement had begun, not only because it was his native state but also because he considered it one of the pivotal states in the conflict. He was said to have remarked that he hoped to have God on his side, but he must have Kentucky. At one time he said, "I think to lose Kentucky is nearly the same as to lose the whole game. Kentucky gone, we cannot hold Missouri, nor, as I think,

[76] *Lexington Statesman,* quoted in *Kentucky Yeoman,* April 18, 1861.

[77] Collins, *Kentucky,* I, 89, 90. This mistrust of Magoffin also found expression in an attempt by the Union members of the legislature to secure information concerning any armaments he had already added to the state, and also as to what relations he had had with the Confederacy. *Ibid.*

Maryland."[78] He was strategist enough to see at once the extreme peril of having the Ohio River the military frontier of the Confederacy. He now began the skillful handling of a most delicate problem, making vague promises, refraining from making threats, and with the astuteness of a diplomat putting little into writing. He watched the state drifting into neutrality, and he did not resist it. Neutrality, unknown in law or the Constitution, was in theory as untenable as was secession; in its effects it was vastly different. Lincoln now entered into conversations with the chief Union leaders of the state and began to handle the situation with such dissimulating skill that he made it easy for them to commit the state officially to neutrality and thereby allowed the state to take a tangent that pointed ultimately to full co-operation in the Union.

On April 26th Garret Davis, one of the most prominent Unionists in the state, had a conference with Lincoln in which the President set forth his attitude toward Kentucky. After stating that he had hoped Kentucky would support the Union by sending the troops asked of her, he said that still he would not force her. He had no intention of invading any state that obeyed the laws of the United States, and he would not have marched troops across Maryland except for the necessity of protecting the national capital. He had no military movements in mind that would require the sending of troops through Kentucky; and if that state made no military move against the Federal government, he would not molest her.[79] The day following these conversations, Lincoln reiterated this policy in an interview with W. L. Underwood. The President was of course wise enough to see that he would be forcing the state into secession, if he discountenanced neutrality; but he deftly left the Kentuckians with the understanding that he at no time renounced the right to use force against Kentucky if the exigency should arise.

The Unionist leaders in the legislature, having the assurance that Lincoln would respect neutrality, speedily committed the state to that policy. On May 16th the house resolved, "That this State and the citizens thereof shall take no part in the civil war now being waged, except as mediators and friends to the belligerent parties; and that Kentucky should, during the contest, occupy the

[78] Letter to O. H. Browning concerning Frémont's Missouri proclamation. John G. Nicolay and John Hay, *Complete Works of Abraham Lincoln* (New York, n. d.), VI, 357, 361.

[79] *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 82, 83 (appendix). Report of an interview in a letter from Davis to George D. Prentice. April 28, 1861. See also Collins, *Kentucky,* I, 88.

position of strict neutrality. . . ." This resolution was adopted by a vote of 69 to 26, the opposition coming principally from the Southern Rights men, who still hoped for a sovereign convention. A second resolution approving Magoffin's refusal to furnish Lincoln with troops was almost unanimously adopted—89 to 4.[80] The Senate did not concur at this time in either of these resolutions. The adoption of neutrality was unquestionably the most popular action the legislature could have taken at this time. From the very beginning of the session there was presented the unusual spectacle of an inpouring flood of petitions from the women all over the state, begging that body to adopt neutrality and "guard them from the direful calamities of civil war."[81] The Southern Rights leaders now saw the end of their hopes of leading Kentucky out of the Union by official acts; their only chance lay in the exigencies of new situations that might arise. On May 20th Governor Magoffin recognized and announced the state's position in a neutrality proclamation, differing in no essential from one that might have emanated from a foreign nation announcing its intentions of keeping out of the war. After mentioning the clamor upon him from all sides and all parties to proclaim the neutrality of the state, he warned all states separate or combined against entering or occupying any part of Kentucky. He then forbade the Kentuckians to make "any warlike or hostile demonstration" against the aforementioned powers, and counselled them to remain at home and "to refrain from all words and acts likely to engender hot blood and provoke collision." He also advocated the arming of the state strictly for self-defense.[82] Thus was Kentucky now officially committed to a position which its people had been in the process of assuming since secession began; and Magoffin was thereby able to convince many that however much he might sympathize with the South, he was not trying to force the state against its will into secession. Perhaps the greatest Union influ-

[80] *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 82 (appendix); Collins, *Kentucky,* I, 90, 91; Speed, *Union Cause in Kentucky,* 32; Shaler, *Kentucky,* 242, 243.

[81] Collins, *Kentucky,* I, 89. The deep feeling of the women of the state is shown in a letter from Mary K. Stevens to Joseph Holt, her nephew, April 22, 1861: "Josey I am of such a curious temperment that if I love anything I love it to [*sic*] well & I loved the old government to well & I soon discovered that if I continued to read the papers and hear talk about it I should sink under it—and so I left of [*sic*] reading the papers or hearing talk about it & I got on better by doing So, for very little more trouble would put me in my grave." *Holt MSS.,* XVIII, 3778-a.

[82] Speed, *Union Cause in Kentucky,* 47-49; *Annual Cyclopædia,* 1861, p. 397; *Crisis,* May 23, 1861; *Rebellion Record,* I, 264, 265 (doc.).

ence in the state, the *Louisville Journal,* said, "We hail the proclamation with satisfaction. . . . It is a complete and conspicuous surrender of the position heretofore occupied by the Governor and his friends and a full occupation of the position held by the Unionists of the State."[83]

Four days later, an hour before the adjournment of the legislature, the senate adopted by a vote of 13 to 9 a set of resolutions agreeing to neutrality; and the state was now committed fully to this policy by both houses of the legislature and by the executive. The senate declared that Kentucky was "willing to go before the civilized world and let her conduct pass into history and await the candid and calm judgment of future and disinterested generations. . . ."[84] Regardless of what each party thought of neutrality afterwards, there can be no doubt that it was the logical stand for the state to take, in the light of its past political training and of its present circumstances. It is also equally true that with few exceptions, the Unionists stood for neutrality, and that the Southern Rights men worked for direct action through a soverign convention. How neutrality was soon to crumble to pieces and why will appear hereafter.

[83] May 21, 1861.

[84] The first resolution follows: *"Resolved by the General Assembly of the Commonwealth of Kentucky,* That Kentucky will not sever her connection with the national Government, nor will she take up arms for either of the belligerent parties, but will arm herself for the one purpose of preserving tranquility and peace within her own borders." *Congressional Globe, Part 4 and Appendix,* 37 cong., 2 sess., 82 (appendix); Collins, *Kentucky,* I, 91.

CHAPTER IV

NEUTRALITY AND THE SOUTHERN TRADE

One of the fundamental reasons for Kentucky's strong attachment to the Union was the economic advantage that came to her from her central position. Virtually all of the vast trade in the Mississippi Valley between the North and the South either crossed over or went along her borders, and she, herself, added no insignificant amount to the whole. Neutrality would not only preserve her political goodwill with both sections; but it would also maintain her economic connections and thus secure for her all the real benefits of a united country. She could well count on a continuance of long-established economic laws and tendencies; but how far future tariff laws and trade restrictions of the Federal government and of the Confederacy might be made to interfere could not be foretold. The statement of an Ohio paper that "The very tide of trade and commerce will bind the river cities together," proved to be strikingly true;[1] and both sections early realizing this fact adopted at first trade policies that were designed to interfere as little as possible with economic tendencies. In this situation is to be seen a subtle contest between Lincoln and Davis to handle a delicate question so that each might ultimately win Kentucky.

The most important single factor in the economic consciousness of the whole Mississippi Valley was the great life-line of its commerce, the Mississippi River. Its historic significance had never been forgotten; and whenever its free navigation should be threatened, the people of the great interior could be depended on to imitate their ancestors.[2] Even before South Carolina seceded Governor Magoffin moved to have the free navigation of this river guaranteed by constitutional amendment.[3] A few months later the Kentucky house passed a resolution calling for a convention of the Mississippi Valley states to devise means "to prevent any one or more States from seizing and appropriating to themselves the exclusive use of the mouth of the Mississippi River,

[1] *Crisis,* Jan. 31, 1861.

[2] For Kentucky's early troubles over the navigation of the Mississippi, see Connelley and Coulter, *History of Kentucky,* I, 239-269; 318-376; 424-434.

[3] Collins, *Kentucky,* I, 85.

and imposing export and import duties on the commerce and navigation of the other States."[4] Edward Everett in earlier times had spoken the feeling of the Northwest when he said the Mississippi was "theirs by a sixty years' undisputed title; theirs by occupation and settlement; theirs by the Law of Nature and of God."[5] Governor Yates of Illinois in his message to the legislature in January, 1861, predicted war to the death if the Mississippi were interefered with. He said, "Can it be for a moment supposed that the people of the valley of the Mississippi will ever consent that the great river shall flow for hundreds of miles through a foreign jurisdiction, and they be compelled, if not to fight their way in the face of the forts frowning upon its banks, to submit to the impositions and annoyances of arbitrary taxes and exorbitant duties to be levied upon their commerce? I believe that before that day shall come, either shore of the 'father of waters' will be a continuous sepulchre of the slain, and, with all its cities in ruins, and the cultivated fields upon its sloping sides laid waste, it shall roll its foaming tide in solitary grandeur, as at the dawn of creation. I know I speak for Illinois, and I believe for the northwest, when I declare them a unit, in the unalterable determination of her millions, occupying the great basin drained by the Mississippi, to permit no portion of that stream to be controlled by a foreign jurisdiction."[6]

There could be little question that the Confederacy had one of its greatest and most urgent problems to settle in formulating its policy toward the Mississippi. There were great advantages as well as great dangers connected with the possession of the strategic portion of this river. With such a club to wield, there were high hopes of forcing the whole Northwest to enter the Confederacy, if it were deftly and skillfully done;[7] but likewise with such power over the welfare of millions, the bitterest hostility might be aroused throughout the Northwest and the border states lost, if a bungling policy were adopted. William L. Yancey counselled an "enlightened and friendly commercial policy" with which "to combat the fanaticism of the Northwest";[8] and a correspondent wrote Howell Cobb that unless the navigation of the Mississippi "is properly provided for we will lose Ark., Tenn., Ken., and

[4] *Acts of Kentucky,* 1861-2-3, pp. 363, 364.

[5] *Rebellion Record,* I, 41, 42 (intr.) Speech, July 4, 1861.

[6] *Reports to the General Assembly of Illinois,* 22 session, I, 27.

[7] See William E. Dodd, "The Fight for the Northwest, 1860" in *American Historical Review,* XVI, 4 (July, 1912), pp. 774-788.

[8] *Crisis,* Feb. 28, 1861. Speech in Alabama State Convention, Jan. 25, 1861.

Mo."[9] The Southern sympathizers in the Northwest assured their fellow-citizens that "there is not the least danger of the South shutting up the mouth of the Mississippi or stopping its trade."[10]

In the light of this situation it was only natural then that the Confederate Congress should early (February 25th) declare that "the peaceful navigation of the Mississippi river" should be "free to the citizens of any of the States upon its borders, or upon the borders of its navigable tributaries. . . ."[11] This was a gift, which it was hoped would secure the good-will of Kentucky and of the Northwest; but as long as those regions remained a part of a foreign country, they, of course, could not expect to share all the advantages of the river. Their outlet to foreign nations was thus secured; but the use of the river in local traffic was not theirs except on the payment of whatever tariff duties there might be.[12] Thus was the club gently held over them to force them into the Confederacy, as most of their trade down the river was with the Southern states and not for export.[13]

But this was a power held out more as a warning for the future; for on February 18th the Confederate Congress had provided in its first tariff act that all the products of the farm, manufactured or raw, and munitions of war should be admitted duty free.[14] This not only recognized the feeling that the Middle Western states should be enticed rather than driven; but it also carried out the long-expressed policy of the Southern states for free

[9] James Hillyer to Cobb, Jan. 30, 1861. "Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb" in *Annual Report of the American Historical Association,* 1911, II, 535.

[10] *Crisis,* Jan. 31, 1861. This paper added, "It is much more likely that foreign goods will be shipped up the Western rivers free of duty—a much greater probability."

[11] *Statutes at Large of the Provisional Government of the Confederate States of America Feb. 8, 1861 to Feb. 18, 1862* (Richmond, 1864) edited by J. M. Matthews, 36; *Official Records,* ser. IV, vol. I, 111, 112. See also "Minority Report on Proclamation to the Northwestern States, Confederate House, September 26, 1862" in *Annual Cyclopœdia,* 1862, p. 267.

[12] *Statutes at Large of the Confederate Provisional Government,* 37.

[13] The Mississippi had in reality largely lost its importance as an outlet for exports. The trunk line railroads and the Erie Canal were carrying a great amount of this business to New York and other eastern cities. See E. M. Coulter, "Effects of Secession upon the Commerce of the Mississippi Valley" in the *Mississippi Valley Historical Review,* III, 3 (December, 1916), 275-278.

[14] *Statutes at Large of the Confederate Provisional Government,* 28. There was a temporary change of policy expressed in the tariff act of February 26th; but by the act of May 21st the original policy was restored. *Ibid.,* 38, 127-135. The *Crisis,* February 28, 1861, said that "the tariff does not materially affect any of the products of the farm and leaves our western trade generally free."

trade.[15] But indeed the primary purpose of this free trade was to make it easy for the Confederacy to stock up with provisions in the event that war should come. By the middle of February custom officers were provided for; before the end of the month rules for their appointment had been formulated; by the middle of March ports of entry and custom houses had been planned; and soon thereafter the whole system was in operation.[16] In his message to Congress in the latter part of April, President Davis said, "Free transit has been secured for vessels and merchandise passing through the Confederate States; and delay and inconvenience have been avoided as far as possible, in organizing the revenue service for the various railways entering into our territory."[17] The Confederacy had thus organized itself as a foreign government with all the paraphernalia of such a government;[18] but in doing so it had used leniency and consideration in dealing with the commerce of the Mississippi Valley.

As a result of this commercial policy there was free trade both northward and southward on an unimpeded river highway. Surely the great Middle West could not take umbrage at this; in fact, it might be led to see that it was to its general advantage to join the Confederacy. This government could well for the time being allow its products to go northward to enrich perhaps a future enemy, for by doing so it made its own preparations easier. The greatest single economic movement of the spring and summer of 1861 in the Mississippi Valley was the immense amount of trade that went to the Confederacy through and from Kentucky. Louisville made herself the great collecting center for this commerce and the Louisville and Nashville Railroad carried it southward in an unending stream. Freight for the South flowed into Louisville so fast that the streets were soon jammed and much material

[15] The *New Orleans Delta* said, "The policy of the South will be free trade, and our Western neighbors will be welcomed to the trade of the new republic and will be secured ample protection and large profits." Quoted in *Cincinnati Commercial*, Dec. 13, 1860.

[16] *Statutes at Large of the Confederate Provisional Government*, 92 (resolution of February 16th); 42 (act of February 28th); 88 (act of March 16th).

[17] *A Compilation of the Messages and Papers of the Confederacy* (Nashville, 1905), edited by James D. Richardson, I, 77.

[18] Clearance papers for vessels bound to points outside of the Confederacy were now required. The following is a copy of one: "CONFEDERATE STATES OF AMERICA, District and Port of New Orleans—These are to certify [to] all whom it may concern that F. F. Logan, Master and Commander of the steamship, Tecumseh, burden——tons or thereabouts, mounted with no guns, navigated with——men, Ohio built, having on board a cargo as per manifest annexed, hath here entered and cleared his vessel according to law." *Cincinnati Commercial*, April 15, 1861.

had to be left on the outskirts of the city. There was almost a continual shortage of cars; and embargoes against through freight were frequently announced by the railroad company.[19] An eye-witness describing the situation said, "Day and night for weeks past, every avenue of approach to the depot has been blockaded with vehicles waiting to discharge their loads, while almost fabulous prices have been paid for hauling, and the road has taxed itself to its utmost capacities to carry through the enormous quantities of freight delivered to it."[20]

The story of this trade movement can not be told better or more eloquently than by the freight accounts of the Louisville and Nashville Railroad. From September to December, 1860, there was a constant monthly decline in freight receipts, due to the unsettled political conditions;[21] but beginning with February, 1861, there began an increase which leaped from $23,000 to $68,000 in June.[22] Emphasizing much more this movement is the striking fact that virtually all of the trade was going southward. For the year ending with June, 1861, the freight forwarded from Louisville amounted to $252,000, whereas the freight received from the South was only $51,000; while at Nashville the freight received amounted to over 93 per cent. of the revenues at that city and the amount forwarded less than 7 per cent.[23] Or as stated by the railway company, "Of the through business proper, between Louisville and Nashville, 95 per cent. of the revenue was from freights received at Nashville, and only 5 per cent. from that forwarded or originating at Nashville. Hence, of every one hundred cars loaded at Louisville for Nashville, nine-five were returned empty: that is, the Company performed 95 per cent. of the train service northward for through business or 47½ per cent. of the whole without compensation."[24]

As long as there were no indications of immediate conflict this commerce was tolerated by the most patriotic in the North, even when it consisted of munitions of war.[25] However, Cincin-

[19] *Illinois Weekly Journal* (Springfield), May 8, June 5, 1861; *Cincinnati Gazette*, June 1, 1861.

[20] *Cincinnati Gazette*, June 15, 1861.

[21] The decline was from $54,000 to $22,000. *Annual Report of the President and Directors of the Louisville and Nashville R. R. Company October 1, 1860 to June 30, 1861*, p. 21.

[22] *Ibid.*

[23] *Ibid.*, 18.

[24] *Ibid.*, 19.

[25] On April 5th, cannon from Baltimore to Jackson, Mississippi, passed through the streets of Cincinnati unmolested. C. F. Goss, *Cincinnati, the Queen City* (Chicago, 1912), I, 206.

nati, who considered herself the arbiter of the upper Ohio, soon began to grow restive under these conditions, and upon receipt of the news of the firing on Fort Sumter, became much agitated. A city newspaper observed, "From the tenor of the dispatches we should not be surprised to hear that supplies for the South were cut off in all directions. The war fever like the river is booming high."[26] This prediction was soon fulfilled, for at that very time one hundred casks of bacon for Charleston and Nashville were held up, and two days later thirty boxes of guns destined for Tennessee and Arkansas were seized and a large shipment of powder stopped.[27] The city now commissioned two steamers to watch the river.[28] The seizure of these munitions of war and the growing tendency of Cincinnati to interfere with commerce on the Ohio greatly enraged many Kentuckians, especially in Louisville. Immediately on hearing of these seizures, a group of Louisvillians by way of retaliation prepared to lay hold of and confiscate a steamer from St. Louis laden with arms supposed to be bound for Pittsburgh. They took forcible possession of a nearby armory, seized two six-pounders, and dragged them to a bend in the river to train upon the steamer as it approached. They desisted only after Simon B. Buckner had assured them that the arms were consigned to the Kentucky State Guards.[29] But indignation did not stop here; the more intrepid were ready to march against Cincinnati with armed forces and compel her to relinquish her hold on the river. The *Louisville Courier* sounded the tocsins of war: "TO ARMS! TO ARMS!—CINCINNATI SEIZES SOUTHERN PROPERTY! KENTUCKY WILL YOU STAND BACK? . . . Kentuckians are you ready to submit to chains and slavery, or will you assert your rights with arms in hand? Cincinnati has seized Tennessee and Arkansas arms and property, and now her police boats are scouring *our river* within a stone's throw of our own shores."[30]

[26] *Cincinnati Commercial,* April 15, 1861.

[27] *Ibid.,* April 15, 19, 1861.

[28] *Ibid.,* April 19.

[29] *Louisville Journal,* April 18, 1861, quoted in *Cincinnati Commercial,* April 19, 1861.

[30] April 18, 1861, quoted in *Cincinnati Commercial,* April 19, 1861. Kentucky claimed the Ohio River as her own to the low water mark on the north bank. She based this claim on the Virginia act of cession of the Northwest Territory to the Federal government. See Handly's lessee vs. Anthony, 5 *Wheaton,* 374. For the Virginia act of cession and the deed of cession see *Federal and State Constitutions, Colonial Charters, and other Organic Laws, of the United States* (Washington, 1877), edited by Ben: P. Poore, 427, 428.

These veiled threats and rumors threw Cincinnati into a panic. Calls arose on all sides for at least 10,000 men to defend the city, and a signal system to arouse the people in times of danger was advocated.[31] Kentucky and Ohio were now thoroughly aroused to the danger of a river warfare that might soon get out of hand. Governor Dennison of the latter state at once sent as a personal representative to Kentucky, Judge Thomas M. Key, a Democratic senator in the Ohio legislature, to use his good offices in preventing an outbreak and to learn Governor Magoffin's intentions.[32] Dennison wrote Magoffin that Key conveyed "the sincere desire of the people of Ohio that nothing may occur to interrupt the kindly and neighborly feeling of the people" of the two states toward each other.[33] Key expressed Dennison's desire and determination to use all his influence and authority to prevent any aggressions on the part of Ohio, and his readiness to give immediate attention to any complaint that might come from Kentucky.[34] The interview was "long, free and satisfactory," and Magoffin left the impression that his "purposes and policy" were "friendly and prudent."[35] He promised to use his full power to prevent Kentuckians from doing anything "which might be offensively construed by citizens of Ohio," and especially would he "permit nothing to be done which could be viewed as menacing the safety of the City of Cincinnati." He expressed his willingness to be ready at all times to communicate with the Ohio governor "upon any occurrance which should disturb public order, or tend to excite unfriendly feeling."[36]

Having thus entered into a friendly understanding and accord with Kentucky, Dennison was now under the necessity of convincing his fellow Ohioans that they should respect this position. As Cincinnati was the center of the danger zone, he addressed a letter to Mayor Hatch, in which he set forth the attitude Ohioans should assume. He said in part, "So long as any State remains in the Union, with professions of attachment to it, we cannot discriminate between that State and our own. In the contest we must clearly be in the right in every act, and I think it better that we

[31] *Cincinnati Commercial,* April 19, 1861.

[32] H. A. and Kate B. Ford, *History of Cincinnati* (Cleveland, 1881), 106.

[33] *Ohio Executive Documents,* 1861 (Columbus, 1862), part I, 410. Letter dated April 17, 1861.

[34] *Ibid.,* 411. Key to Dennison, April 23, 1861. See also Reid, *Ohio in the War,* I, 37, 38.

[35] *Ohio Executive Documents, 1861,* part I, 411. Telegram, Key to Dennison, April 20, 1861.

[36] *Ibid.,* 412. Key to Dennison, April 23, 1861.

should risk something than that we should in the slightest degree be chargeable with anything tending to create a rupture with any State which has not declared itself already out of the Union. To seize arms going to a State which has not actually seceded, could give a pretext for the assertion that we had inaugurated hostile conduct; and might be used to create a hostile feeling in favor of secession where it would not exist, and end in border warfare, which all good citizens must deprecate. Until there is such circumstantial evidence as to create a moral certainty of an immediate intention to use arms against us, I would not be willing to order their seizure; much less would I be willing to interfere with the transportation of provisions."[37]

The threatened invasion of Cincinnati by the enraged Louisville merchants and traders did not take place in the shape of an armed force; but on April 23rd a delegation of Louisville business men entered Cincinnati to present a protest against her interference with the Ohio River trade. They were received with great friendship and consideration. Governor Dennison's letter to Mayor Hatch was read, and the Cincinnati spokesman declared he did "not feel the least hesitation in saying that it expresses the feeling of the people of Ohio."[38] The Louisville delegates left satisfied that a dangerous situation had been cleared up.

But this spirit of conciliation, which worked so well with Louisville, was destined to work less well in Cincinnati. For four days only could indignant Cincinnatians restrain themselves. On April 27th a hot and spirited meeting was held, which called upon Dennison to abandon his policy announced in his recent letter to the Cincinnati mayor, and demanded the cessation of trade with the South. It summed up its position by resolving, "That any man or set of men in Cincinnati or elsewhere who knowingly sell or ship one ounce of flour, or pound of provisions, or any arms or articles which are contraband of war, to any person or any State, which has not declared its firm determination to sustain the Government in the present crisis, is a traitor, and deserves the doom of a traitor."[39] Words were soon followed by acts. Volunteer home guards were organized to suppress any contraband trade with the South; steamboats were watched; depots searched; and suspicious bales and boxes ordered to warehouses.[40]

[37] *Ohio Executive Documents, 1861,* part I, 412. Dated April 23, 1861. See also Reid, *Ohio in the War,* I, 39, 40.

[38] Reid, *Ohio in the War,* I, 39, 40.

[39] *Ibid.,* 40; *History of the Ohio Falls Cities and their Counties with Biographical Sketches* (Cleveland, 1881), 96.

[40] Reid, *Ohio in the War,* I, 41.

Dennison soon found it necessary to restrict his broad conciliatory views concerning trade relations with his southern neighbors, due to the activities of the legislature. On April 26th, this body passed a law making it treason to furnish the enemies of the state or nation with munitions of war;[41] and two weeks later this policy was strengthened by additional legislation.[42] Dennison now placed an interdict on telegraph lines transmitting orders for munitions of war by any one except a loyal person; and he ordered railroads and express companies to search all commerce going in the direction of a seceded state and to seize all contraband articles.[43] Within a short time an intricate and detailed system of espionage was set up in which "inspectors of freight and merchandise" were appointed to pry into all bales and boxes either entering or leaving the state.[44] Thus was Ohio's liberal commercial policy which the governor had sought to set up almost completely abandoned through the determined insistence of the excited masses that trade with the South be cut off.

Indiana was confronted with the same problem, but in a more aggravated form, since Louisville lay directly across the river from her shores. On April 25th the senate adopted a resolution calling for the appointment of a "Committee on Commerce and Trade" to formulate and report "what regulations the exigencies of the times demand in regard to shipping grains and provisions on the different lines of railroads, canals, and rivers, running through this State, particularly those lines of railroads leading to the friendly Border Slave States."[45] The next day this committee was instructed to consider the expediency of reporting a bill to prohibit the transportation "of provisions and munitions of war" through the state to any state that had refused Lincoln's call for troops.[46] On May 3rd an effort was made in the house to send three commissioners to consult with the Kentucky legislature, but failure resulted.[47] However, restrictions were soon placed on trade with Kentucky.[48]

Of all the states bordering on the Ohio, Illinois held the most strategic position, when it came to controlling the river trade of

[41] *Acts of Ohio, Session of January 7, 1861,* p. 110.
[42] *Ibid.,* 127.
[43] *Ohio Executive Documents, 1861,* part I, 401, 402; *Crisis,* May 2, 1861; Reid, *Ohio in the War,* I, 41, 42.
[44] *Acts of Ohio, Session of January 7, 1861,* p. 127.
[45] *Journal of the Indiana State Senate, Special Session, April 24, 1861,* p. 15.
[46] *Ibid.,* p. 33.
[47] *Ibid.,* 162.
[48] *Ibid.,* 104.

the great interior. Cairo, at the confluence of the Mississippi and the Ohio rivers, was a dagger pointing into the heart of the South. It was farther to the southward than any other place certain to remain in the Union, and situated as it was, it dominated completely the great river routes. Governor Yates, early recognizing the strategic value of this place, soon after Fort Sumter had been fired upon placed troops here, and began a rather tight blockade of the rivers.[49] Tennessee immediately felt the strangling effects of this blockade, when a steamer with one hundred tons of lead from St. Louis consigned to the state government was seized. Governor Harris sent stern protests to Lincoln and Yates, but without satisfaction. He declared in a communication to the latter that "The obstruction of the navigation of the Mississippi river, and the seizure of public and private property by an armed force are violations of the comity of States and a palpable infringement of the Constitution."[50] This interference had considerable effect in driving the Tennesseeans into secession.[51]

Kentucky, more directly concerned with the Cairo blockade than Tennessee, immediately protested. Colonel Prentiss, who commanded the troops at Cairo, declared in a letter to Simon B. Buckner on May 3rd, that he would stop arms and ammunition destined for Columbus, Kentucky, unless it could be proved that the consignee was loyal, and that his purpose was to inspect all cargoes.[52] Lloyd Tilghman, commanding Kentucky troops in the Columbus region, a few days later protested that the Kentuckians "feel that they cannot ship a barrel of flour without being subjected to this system of *espionage,* which is entirely inadmissible."[53] Despite many protests the blockade was tightened instead of relaxed, and by the middle of June the conditions were such that a Cairo observer could say, "If all the leaders of our loyal soldiery could but stop the shipments toward seceding States, as we do stop them, we could afford to lie idly by until the fall season sets in, then advance and find none but discontented and half starved wretches to pity and protect."[54]

[49] *Illinois Weekly State Journal,* May 1, 1861.

[50] *Senate Journal of the Second Extra Session of the Twenty-Third General Assembly of the State of Tennessee* (Nashville, 1861), 77. Letter dated April 29, 1861.

[51] *Ibid.,* 83, 84. Legislative Address to the People of Tennessee, May 9, 1861.

[52] *Crisis,* May 9, 1861.

[53] *Rebellion Record,* I, 194 (doc.).

[54] *Illinois Weekly State Journal,* June 12, 1861. See also *ibid.,* May 22 and *Crisis,* May 9, 1861.

The Federal government, which was watching the situation closely, was so impressed by the vigor of the protests against the blockade, that it ordered a relaxing. On May 2nd, the War Department wrote the Cairo commander, "It is deemed inexpedient, because irritating to Kentucky and other States bordering on the Ohio, to detain cargoes of provisions descending the river from those States. That this may not be used as a means of extending the spirit of secession, Lieutenant-General Scott, with the concurrence of the War Department, directs that you put a stop to such detention by the troops under your command until further orders."[55] Six days later the War Department changed its orders and re-established the blockade.[56] Soon thereafter the Federal government took control of the Cairo garrison as part of its general military and commercial strategy against the South.

Six months had now passed since the secession of South Carolina; the Southern Confederacy was four months old; and still the Federal government had done little to check the vast commerce of the Mississippi Valley which was now going southward in a never-ending stream. The South had been blockaded against foreign countries by the proclamation of April 19th, but the road was wide and open to the well-stored North and West.[57] But it was by design that this was so, for the hand of Lincoln was back of it all. His whole border state structure rested fundamentally on maintaining the *status quo*. He would allow much laxity in dealing commercially with the seceded states, rather than drive the border states out of the Union. His knowledge of the feeling in these states was accurate and profound; he refused to be driven from what he considered to be the proper course to pursue. In fact, he did not proclaim a cessation of commercial intercourse entirely with the Confederacy until August 16th, almost a month after the battle of Bull Run.[58]

Nevertheless, after the firing on Fort Sumter there was evidence aplenty to all that it would be criminal negligence to permit the Confederacy to stock up arms and munitions of war; and it also became increasingly evident that all commerce with the border states, and particularly with Kentucky, was in danger of ulti-

[55] *Official Records*, ser. I, vol. 52, part 1, p. 137.

[56] *Ibid.*, 141.

[57] *Hunt's Merchant Magazine*, XLIV, 1861, p. 786.

[58] This was in pursuance of an act of Congress on the subject, passed July 13th. *Statutes at Large, Treaties, and Proclamations of the United States of America from December 5, 1859 to March 3, 1863* (Boston, 1864), XII, 256-258; *Rebellion Record*, II, 532 (doc.)

mately reaching the Confederacy. Salmon P. Chase, the Secretary of the Treasury, therefore, on May 2nd issued a circular "To Collectors, Surveyors, and other Officers of the Customs on the Northern and Northwestern waters of the United States," ordering them to examine the manifests and to search "all steamers, flatboats and other water crafts . . . railroad cars and other vehicles . . . laden with merchandise the ultimate destination of which you have good reason to believe is for any port or place under insurrectionary control" and to seize all "arms, munitions of war, provisions, or other supplies. . . ."[59] This order was sufficiently general in its two most essential parts to leave the interpretation of the whole to the whims and the inclinations of the individual collectors. What regions should be understood as "being under insurrectionary control" and what should be included in "provisions or other supplies"? The Home Guard committee at Cincinnati, which had already set itself up to regulate trade down the river, immediately asked for an answer on the following questions: "1. What States are to be considered loyal to the United States Government? 2. What articles are contraband? 3. Have we the right to stop the shipment of goods, provisions, etc., to Kentucky, Tennessee, and Virginia?"[60] The district attorney, to whom the questions were directed, answered that the border states should be considered to be loyal "although it is very evident that in the four States mentioned [Delaware, Maryland, Kentucky, and Missouri] there are many disloyal citizens."[61] The door was, thus, swung wide open to the Confederacy, for Kentucky and the other border states were carrying on an immense trade with that region. A feeble attempt to head this traffic off was shown in the further statement that "it is obviously improper to permit contraband *whose ultimate destination* may reach the rebel forces, to be forwarded to those States."

The effect of these rules as applied in Kentucky was virtually nothing. They went unheeded in Louisville, the great collecting agency for goods to the South; for the desire to trade was great, sympathy for the Confederacy was marked in high places, and the custom office was either unable to determine "rebel destination" or had no desire to do so.[62] The customs establishment

[59] *Illinois Weekly State Journal,* May 15, 1861; *Crisis,* May 16, 1861; *Hunt's Merchant Magazine,* XLIV, 1861, p. 786.

[60] Virginia and Tennessee had not yet seceded.

[61] After naming all the ordinary contraband articles, the answer ended with the statement, "and all other goods and commodities which might be useful to the enemy in time of war." *Crisis,* May 16, 1861.

[62] See *Cincinnati Gazette,* June 1, 1861.

was inadequate, even had there been a keen desire to stop the Southern traffic, as there were only one surveyor, one chief clerk, and one messenger.[63] Chase early saw that the weakness in the system at Louisville made efforts elsewhere unavailing. He admitted that the rules here remained unexecuted, and he believed it was so because the people of Louisville were not giving proper support to the efforts to suppress the Southern trade; but he felt that any other course would drive Kentucky into the Confederacy. By the end of May he began to have his doubts as to the continued wisdom of that course, since it seemed to him that the Federal government was losing more than it was gaining. He thought that the time had now arrived when the rules at Louisville should be rigidly enforced.[64]

This trade to the Confederacy was so notoriously open that the *Cincinnati Gazette* pointedly remarked that "Property might as well be consigned to Charleston, S. C., or to Richmond, Va., as to Louisville, Ky."[65] The Louisville and Nashville Railroad continued to groan under the weight of traffic going southward, with commodities piled higher and higher awaiting their turn to be carried on to the Confederacy. Within the course of a few days 2,500 bags of coffee, shipped from Cincinnati presumably for Kentucky's use, passed on to the South.[66] Patience up the river ran low as this traffic continued to thrive and increase. The *Cincinnati Gazette* gave warning that "The indignation of the public here over this business has about reached the last stage of forbearance; and unless the supplying of traitors to enable them to fight us is effectively stopped, the Administration will shortly hear from us in unmistakable terms."[67] Lincoln was beset on all sides by those who could see nothing but criminal negligence in his trade policy. Governor Morton of Indiana informed him that his state was carrying on a brisk trade with Kentucky in provisions of all kinds, and that in his estimation it ought to be stopped immediately. He believed that Kentucky was with the South in spirit, and that she would "maintain substantially a neutral posi-

[63] *Report of the Secretary of the Treasury on the State of the Finances for the Year ending June 30, 1861* (Senate Executive Document, no. 2, 37 cong., 2 sess.), p. 200.

[64] Chase to George D. Prentice, May 28, 1861; Chase to James Guthrie, June 13, 1861. Shuckers, *Life of Chase,* 425, 426. See also Chase to M. Sutliff, May 1, 1861. "Diary and Correspondence of Salmon P. Chase" in *Annual Report of the American Historical Association,* 1902, II, 296.

[65] June 17, 1861.

[66] *Cincinnati Gazette,* May 30, 1861.

[67] June 12, 1861.

tion, which is the most that their so-called Union men pretend to hope for."[68] Hoosier newspapers began to denounce the trade down the Wabash to Kentucky; and soon individuals began to form blockade committees, to issue trade regulations, and to call upon governors of states to supplement Lincoln's rules by action of their own.[69] In their estimation the President did not understand the situation, and their activities were necessary to save the day.

It was in line with this feeling that the three governors of Ohio, Indiana, and Illinois met in Indianapolis on May 24, to consider means of defense as well as a united policy concerning Kentucky. Dennison, who a little more than a month before had entered into a friendly understanding with Magoffin to cover any exigencies that might arise, now secretly proposed to the governors' conference the seizure of the principal Kentucky points, such as Louisville, Columbus, Paducah, Covington, and Newport, and thereby the control of the railways leading to the South. Thus would they show the time-serving President how the trade situation could be immediately clarified and at the same time how they might strangle Kentucky should she attempt to leave the Union. Senator Trumbull and Governor Yates bore this memorial to Lincoln, where no doubt the committee was received with more respect than was their plan.[70]

The President was being criticized on all sides for the way in which he was handling the trade situation. Unionists found fault because his policy was too lax; the Southern sympathizers, because it was too severe. Ex-governor Charles S. Morehead, of Kentucky, declared that Lincoln was "daily preventing supplies of food to the helpless women and children and slaves of the South, in order that under the desperation of starvation the slaves may be excited to servile insurrection."[71]

In order to stop the clamor of his "supporters," Lincoln issued through Chase supplementary rules on June 12, which did not change the previous policy in any important feature, but which called for the enforcement of the policy already established. Collectors were required "to exercise the utmost vigilance in arresting and detaining all merchandise of whatever character, the ultimate destination of which you have satisfactory reason to believe is for insurgents against the United States or for places under their

[68] *Official Records,* ser. III, vol. I, p. 158. Letter dated May 4, 1861.
[69] For example *Vincennes Gazette* quoted in *Cincinnati Gazette,* May 29, 1861.
[70] Reid, *Ohio in the War,* I, 38, 46.
[71] *Crisis,* June 6, 1861.

control."[72] The sluice gate to the Confederacy, Kentucky, was left wide open again; scarcely a ripple was made in the southward stream of commerce. Even munitions of war got by from Northern cities; Memphis got large amounts of powder and lead from Lawrenceburg,[73] and secessionists throughout Kentucky were arming themselves with weapons secured in Cincinnati.[74]

It became increasingly evident to those in the North who put patriotism above gain that, in the absence of Federal action, the only way to stop trade with the Confederacy was to stop trading with Kentucky and to prevent others from engaging in it. Utterly failing to understand a single reason for Lincoln's policy of inaction they declared that "unless instant and effective measures are taken by the Administration to stop the villainous traffic, the whole West should rise up in indignation and denounce it in thundering tones."[75] The reason for Kentucky's position of siding with neither the Union nor the Confederacy was perfectly intelligible to them: "The 'neutrality' of Kentucky seems to consist in perfect freedom to furnish our enemies the wherewith to make war upon us, and the Government knowingly permits this nefarious business to go on."[76] The campaign to stop trade at its source was carried on with all the weapons of force and propaganda. Cincinnati counselled the Indiana towns across from Louisville "that not one dime's worth of any supplies—not even a pound of butter or a dozen of eggs—be allowed to cross the river from this side until this species of 'neutral' rascality is at an end. . . ."[77] The people were reminded that Charleston tried to starve Anderson in Fort Sumter and that now "the patriotic farmers and grain dealers of the Northwest" should "refuse to sell a bushel of grain to the traitors, or to anyone who will sell it to them. . . ."[78]

Where words failed more forcible arguments were used. Embargoes and blockades were set up and gunboats stationed at strategic points to enforce them. The mouth of the Wabash River was guarded by a gunboat from Evansville, whose purpose was to seize the flatboats which had been regularly floating down laden with the products of the Indiana and Illinois farmers, destined for

[72] *Report of the Secretary of the Treasury on the Finances, 1861,* pp. 162, 163; *Cincinnati Gazette,* June 14, 18, 1861.

[73] *Illinois Weekly State Journal,* June 26, 1861.

[74] *Cincinnati Gazette,* July 2, 1861.

[75] Editorial, *ibid.,* June 15, 1861.

[76] *Ibid.*

[77] Editorial, *ibid.,* June 15, 1861.

[78] *Illinois Weekly State Journal,* April 24, 1861.

Kentucky and the Confederacy.[79] The Ohio was blockaded at Evansville by a steamer so bold that it held up through mistake a United States gunboat armed with three twenty-four pounders.[80] A gun squad at this same place seized a ferryboat with a flat in tow laden with one thousand barrels of salt destined for the Confederacy.[81] A rigid inspection was made of everything going to Kentucky—bales and boxes were pried into, letters opened, and trunks and baggage rifled.[82] If direct measures failed, indirect ones were used. Suspected traders too persistent to be frightened or too wily to be caught were dealt with by special methods. A Cincinnati customs official publicly warned "a certain house near the corner of Fourth and Walnut Streets . . . of the consequence of a persistence in their practices." He declared that he had done all that he was "*legally* authorized to do;" the public could "adopt such measures as they see proper in order to abate the nuisance."[83]

But the desire to engage in the lucrative Southern trade was all-consuming, for fortunes were awaiting those who would dare. The approach of war during the summer depressed prices greatly throughout the Middle West, and sent them up in the South. Prices in Cincinnati were declared to be lower during the summer (1861) than they had been previously for fifteen years. A trade report in September stated that "Eggs, potatoes, beef, pork, and all the productions of the soil, have ruled at the minimum price, the last four months."[84] In June stagnation was reported in the North and the Northwest, and it was stated that the pork merchants alone had lost in depreciated prices a million dollars.[85] For the daring the scene was enchanting. The narrow line of the Ohio River separated buoyancy from stagnation. A trade report said, "The Ohio River divides corn, North 20 cents a bushel; corn south side 40 to 50 cents. The Kentucky farmers will get

[79] *Cincinnati Gazette,* June 27, 1861.
[80] *Ibid.,* June 19, 1861.
[81] *Cincinnati Commercial,* Sept. 13, 1861.
[82] *Crisis,* June 27, Sept. 26, 1861.
[83] *Cincinnati Commercial,* Aug. 31, 1861.
[84] *Ibid.,* Sept. 11, 1861.
[85] *Crisis,* June 20, 1861. The *Iowa State Journal* said, "The loyal North-west is being ruined by the measures taken to harass and disturb the country of the Southern Mississippi. . . . Wheat, in this city, of a good merchantable quality, will not bring twenty cents per bushel; corn has been sold and delivered one hundred miles east of us for seven cents per bushel, and still down! down! is the fearful tendency. . . . General Prentiss [at Cairo] grasps trade in the center of its coil and both extremities die.

"The loyal North-west and the disloyal South, feel alike the effects of the blow. The last stimulated to greater endeavor, sows broader acres and lives while we lanquish." Quoted in *Crisis,* July 25, 1861.

rich—the Ohio farmers poor under this state of things, if they last long."[86] In Memphis corn was selling for seventy cents a bushel, while wheat was bringing $1.25.[87]

With such conditions prevailing, subterfuges and artifices of all kinds were resorted to, equally by Northern sellers and Southern buyers. Fraudulent packing and forged manifests and permits were used as the occasion demanded. Butter was shipped in ale barrels;[88] a regular packet line ran for weeks from Madison, Indiana, to Louisville carrying cargoes innocent enough on paper, but in reality of great value to the Confederacy.[89] Another line between the same places succeeded in running for a time by forging its permits.[90] Goods would often be bought in Cincinnati to be sent to Louisville under oath that they were for Kentucky's use; the letter of the contract would be filled, while an equal amount would be released to be sent southward.[91]

As the greatest artery to the South, after the river had been blockaded at Cairo, was the Louisville and Nashville Railroad, the logical and most effective method of stopping traffic with the Confederacy was to seize control of this railroad. The Northern press was continually calling attention to the fact that the Federal restrictions at Louisville worked "so nicely that the carrying capacity of the railroad from that point to Nashville is quite unequal to the demand, and freight has accumulated in vast quantities, occupying all the available ground in the neighborhood of the depot."[92] The surveyor of the customs announced on June 21st that after the 24th no shipments would be allowed over the Louisville and Nashville without a permit from his office.[93] Within a short time the restrictions were tightened to the extent that no goods of any sort should be allowed to leave Louisville for the Confederacy.[94]

When the first restrictions had been announced in Louisville in May a storm of protest went up. The *Kentucky Yeoman* declared that "an embargo, or a blockade, is really as much an act of war, as a bombardment, and may be just as ruinous to a com-

[86] *Ibid.*, June 20, 27, 1861.
[87] *Ibid.*, June 27, 1861.
[88] *Illinois Weekly State Journal*, June 19, 1861.
[89] *Cincinnati Gazette*, June 19, 1861.
[90] *Ibid.*, June 18.
[91] *Ibid.*, June 15.
[92] *Ibid.*, June 3.
[93] *Ibid.*, June 24; Collins, *Kentucky*, I, 92.
[94] *Illinois Weekly State Journal*, July 3, 1861; *Cincinnati Gazette*, June 29, 1861.

mercial city or an industrial people." It was in favor of resistance.[95] Prentice's *Journal* believed the blockade unwise.[96] These latter rulings now if enforced would crush the immense trade of Louisville with the Confederacy, and bring stagnation to the city. A case was immediately brought in the Jefferson circuit court to enjoin the collector from enforcing the rules; but the decision, handed down on July 10th, held that the Federal government had the right to stop the trade.[97]

Prevented thus from shipping directly from Louisville, the booming merchants speedily resorted to other measures to continue their profitable trade. In fact, before the permit order had been issued, immense quantities of goods were being hauled by wagons night and day from Louisville and various other points to Sheperdsville, eighteen miles south of Louisville on the railroad, as a safer storage place and a strategic point for loading when facilities permitted.[98] So now the process was continued with increased vigor and rapidity, as no agents were present to require permits at the small stations south of Louisville.[99] It actually happened that trains left Louisville with no load at all, but before they had reached the Tennessee line all available space would be taken. But under the resourceful management of the Louisville traders there was soon no occasion for trains to leave without loads; for goods were now consigned to the Kentucky towns on the Tennessee line at the doors of the Confederacy. Franklin, a few miles from the border, became the greatest entrepot and distributing center. Wagon trains as well as the railroad swept the goods southward to this place.[100] In fact, through wagon traffic from the Ohio River to the Tennessee line reached considerable proportions.[101] Another border town which rivalled Franklin as a point of destination for Louisville commerce bound for the Confederacy was Hadensville. This whole traffic was an exceedingly thin veil for trade with the Confederacy; it showed again how difficult it was to control trade at Louisville. The *Louisville Democrat* declared, "We do not know through what influences

[95] May 9, 1861.

[96] June 10, 1861.

[97] *Cincinnati Gazette,* July 12, 1861; Collins, *Kentucky,* I, 92; *History of the Ohio Falls Cities and their Counties,* I, 324. See also *Cincinnati Gazette,* July 4, 1861. This was the case of Brady & Davis *vs.* L. & N. R. R., decided by Judge Muir.

[98] *Illinois Weekly State Journal,* June 12, 1861.

[99] *Ibid.,* July 3.

[100] *Cincinnati Gazette,* July 22, 1861.

[101] *Illinois Weekly State Journal,* July 10, 17, 1861.

the permits were obtained for the large shipments to Hadensville, but we do not think that the home consumption of a little place like it has any need of such unusual shipments."[102] Munitions of war as well as a great variety of other materials entered into this traffic.[103]

Renewed efforts were made to stop these evasions. A closer watch was kept on the character of commerce over the Louisville and Nashville, and troops were sent to enforce decisions.[104] A trunk of Hardee's *Tactics* was seized and a riot ensued, but order was soon restored.[105] Trains were made to leave by day to prevent smuggling,[106] and inspectors were sent to the interior railway towns to prevent suspicious goods from being loaded.[107] Wagons were watched and goods which appeared to be destined for the Confederacy were removed. Leather valued at $3,000 was seized on wagons bound from Portland.[108] But this Louisville traffic to the southward was long to continue. A business house already reported to have made a million dollars was still carrying on a prosperous trade as late as the last of October, despite the clamor to stop it.[109]

As it became more difficult to get trade through by way of Louisville, due to surveyors' rules and congested traffic, commerce with the Confederacy swung around to the westward to Smithland and Paducah, which were at the mouths of the Cumberland and Tennessee rivers respectively. So easy of access was the Confederacy that the collector of the customs at Evansville in early June notified river steamers that the Federal government had placed an embargo on trade to these places on "all pork, bacon, flour, wheat, hay, corn, oats, live stock, provisions and supplies, as well as arms and munitions of war."[110] This order was evaded by landing goods at Owensboro,[111] and by consigning goods to Union men in Cairo but unloading when the vessel reached Smithland and Paducah.[112] This trade down the Tennessee River was

[102] Quoted in *Cincinnati Commercial,* Sept. 3, 1861.
[103] *Illinois Weekly State Journal,* July 10, 1861.
[104] *Ibid.,* July 24, Aug., 28.
[105] *Ibid.*
[106] *Cincinnati Gazette,* July 31, 1861.
[107] *Ibid.,* July 22.
[108] *Illinois Weekly State Journal,* July 24, 1861.
[109] *Cincinnati Commercial,* Oct. 30, 1861.
[110] *Cincinnati Gazette,* June 12, 1861; *Crisis,* June 13, 1861.
[111] *Ibid.,* July 31.
[112] *Illinois Weekly State Journal,* Aug. 21, 1861.

partially broken up by Federal gunboats, which seized steamers engaged in this traffic. The most notable case was the capture of the "W. B. Terry," which was avenged by the Paducah citizens when they seized the "Samuel Orr" owned in Evansville.[113]

Another trade route to the Confederacy, which remained practically undisturbed throughout this period of Kentucky's neutrality, was the Mississippi River from Columbus to Memphis; but its location, which gave it immunity from Federal interference, likewise made it less accessible to Northern supplies. Columbus, so well connected with the Confederacy, acted as a magnet to draw traffic from all western Kentucky and to induce it from regions further to the north by various tricks and evasions.[114] By the middle of June five steamers were operating between this place and Memphis,[115] and two mail packets were soon added.[116] After Kentucky had abandoned her neutrality, the western part of the state continued to be a storehouse for the Confederacy;[117] and so open and flagrant was it that Secretary Chase ordered trade with all Kentucky west of the Tennessee River cut off.[118]

After the secession movement had begun, the first popular impulse in many parts of the South was to take vengeance on the North by refusing to trade with it. In December, 1860, 900 barrels of Northern flour was refused at New Orleans as "no abolition flour" was wanted in that section.[119] In early January, 1861, before she had seceded, Tennessee considered abstaining "as far as practicable from all trade or other commercial intercourse with citizens of the Northern States" from which the South had purchased "millions of dollars worth of merchandise."[120] As time went on it was seen that the value of Northern products was so great to the South that it far outran the benefits enjoyed by the North in being permitted to carry on this trade. But still cries

[113] *Official Records,* ser. I, vol. 4, pp. 176, 177.

[114] *Cincinnati Gazette,* June 5, 1861.

[115] *Ibid.,* June 12. This was a characteristic manifest: 4,800 sacks of corn, 286 hogsheads of tobacco, and 300 hogs.

[116] *Ibid.,* July 5.

[117] *Cincinnati Commercial,* Sept. 18, 1861. The *Memphis Appeal* (September 15th) reported that a steamer had arrived from Columbus with 1,059 sacks of wheat, 130 sacks of potatoes, 150 half-barrels and 275 sacks of flour, 900 sacks of bran, 300 bales of hay, 100 sacks of corn, 2 hogsheads of tobacco, and large quantities of apples, pork, manufactured tobacco, starch, and other articles.

[118] *Cincinnati Commercial,* Sept. 18, 1861.

[119] *Ibid.,* Dec. 21, 1860.

[120] *Tennessee Senate Journal, Extra Session, Thirty-Third General Assembly,* pp. 43. 44.

arose now and then to boycott Northern trade, and foolishly enough even Kentucky trade, since that state was not standing with the South. The *New Orleans Delta,* in August, 1861, said, "We want no corn, no flour, no swill-fed pork, no red-eye, no butter or cheese from the Great Western Reserve, no 'sass,' no adulterated drugs, no patent physics, no poisoned pickles. . . ." And it pointedly remarked that Southerners would "not pay the 'Blue Grass' country of Kentucky for its loyalty to Lincoln by opening our markets to its hemp fabrics. Let it lay in the bed it has chosen until it awakens to a sense of its duty as well as its interest. . . . It is the clear duty of our Government now to declare Kentucky under a blockade. . . . Kentucky and the West must be made to feel this war, and feel it until they cry peccavi."[121]

Just as many in the North had found their patriotism too weak to overcome their desire to make money in trade, so it was in the South. Until Fort Sumter was fired upon, a constant stream of Southern products flowed northward, by river and by rail. Large quantities of cotton went north through Cincinnati,[122] and an increasing traffic in molasses, sugar, hides, and fruit, was carried on up the river.[123] After the war fever following Fort Sumter came, the Confederacy began to weigh more seriously the effect of this northward traffic; while individuals unrestrained played havoc with the up-river commerce. Boats bound for Northern points were stopped and their cargoes seized.[124] The rivermen resolved in a Memphis convention that no boat not owned within the Confederacy should "sail on Southern waters, in pursuit of a local and coastwise business,"[125] and by the end of May a blockade had been set up here, where General Pillow fortified the bluffs of the Mississippi to enforce these decisions.[126]

This interference with the Mississippi threw the Northwest into a panic. An Illinois editor declared that "the great North west will wage war with the Slave States bordering on that river as long as she has a man or a dollar but what she will enjoy the right of free and unobstructed navigation of her natural South-

[121] Quoted in *Rebellion Record,* II, 72, (diary).

[122] *Hunt's Merchant Magazine,* XLIV, 782, 783; *Cincinnati Commercial,* April 19, 1861.

[123] *Ibid.,* April 15.

[124] At Helena, Arkansas, a steamer for Cincinnati and 400 barrels of molasses and large quantities of sugar, rosin, and turpentine were seized. *Crisis,* May 2, 1861.

[125] *Memphis Argus,* quoted in *Cincinnati Gazette,* June 7, 1861.

[126] *Ibid.,* June 4. Two steamers owned in Pittsburgh were seized on May 5th.

ern outlet."[127] Governor Morton of Indiana expressed grave fears;[128] Governor Dennison of Ohio with unconcealed concern asked what would be the condition of his state and its sisters "if the Slave States are to give law on the lower Mississippi";[129] while Edward Everett in a Fourth of July oration declared an arrogant attempt was being made to repeal a law of nature and of God and that it seemed the Southern states believed that ten million free people would let them "open and shut the portals of this mighty region at their pleasure."[130] Kentucky, mindful of her historic past, felt the greatest concern. Her people in convention resolved that no foreign nation should ever own the mouth of the Mississippi;[131] and the legislature declared that Kentucky had as much right to the Mississippi as any other state and that she entered "her most solemn protest against any assumption of such power to control the navigation of that river as utterly without right or proper authority, and as what she cannot and will not submit to."[132]

But the Confederacy was not swerved from its determination to cut off Southern products from going north. On May 21st the Confederate Congress passed an act prohibiting the exportation of cotton from the Confederacy except through her seaports or across the Mexican border.[133] This was designed to stop cotton from going to the United States across the interior border and automatically put Kentucky under the ban. On August 2nd the provisions of this act were extended to tobacco, sugar, rice, molasses, syrup, and naval stores.[134] Tennessee anxiously watched her northern frontier to make certain that no trade went northward, as she could not "know where it goes or what use is made of it."[135] While the Confederacy was thus cutting Kentucky off from the benefits of a valuable trade, the Federal government had

[127] *Illinois Weekly State Journal,* May 8, 1861.

[128] *Documentary Journal of Indiana, 1860-1861,* p. 579. Message to the legislature, April 24, 1861.

[129] *Crisis,* April 18, 1861. Message to the legislature.

[130] *Rebellion Record,* I, 42 (intr.)

[131] *Ibid.,* II, 533 (doc.)

[132] *Annual Cyclopædia,* 1861, p. 396.

[133] *Statutes at Large of the Confederate Provisional Government,* 152, 153; *Official Records,* ser. IV, vol. 1, pp. 341, 342.

[134] *Statutes at Large of the Confederate Provisional Government,* 170; *Official Records,* ser. IV, vol. 1, p. 529. See also J. C. Schwab, *The Confederate States of America, 1861-1865. A Financial and Industrial History of the South during the Civil War* (New York, 1913), 242.

[135] *Official Records,* ser. I, vol. 4, p. 384; *Cincinnati Commercial,* Aug. 19, 1861; *Rebellion Record,* II, 16 (diary).

placed no ban at all on Kentucky *per se,* and was being accused of criminal negligence in letting that state act as a middleman and forwarding agency for the South. That Kentucky appreciated the whole situation, there can be no doubt; Lincoln's policy was showing results. The Confederacy was succeeding well in its trade blockade against the North; a commercial journal reported, "The non-reception of our usual supplies of Southern produce for foreign export is strongly felt. . . ."[136]

So thoroughly was the South obsessed with the idea that the North could not exist without its products that it threw tact and caution to the winds in its dealings with Kentucky, and jeopardized if it did not ignore its own best interests. As has been noted, the Louisville and Nashville Railroad was the greatest single highway from the North to the South, after the Mississippi had been blocked. In the latter part of June an effort was made in the Tennessee senate to pass a resolution requiring the governor to seize the Nashville end of the road "to prevent the transportation of all contraband articles on said road."[137] This move failed; but on July 4th General Anderson of Tennessee seized railroad property valued at over $110,000,[138] consisting of three engines and a large number of passenger cars, baggage cars, freight cars, and other equipment.[139] The excuse for this action was that most of the rolling stock was kept in Louisville; but the effect was to alienate much Southern sympathy in Kentucky and to close foolishly the funnel that was pouring valuable Northern products into the lap of the South. An agreement was later reached with the Louisville managers; but the effect of the seizure on Kentucky sentiment could not be undone. It was another example of the illiberality and lack of tact displayed by the Confederacy toward Kentucky.

The act of the Federal Congress of July 13th[140] and the proclamation of the President on August 16th[141] decided the policy of the government to be directly against trade with the insurrectionary states; but the general rule was soon laid down by the

[136] *Hunt's Merchant Magazine,* XLIV, 787.

[137] *Tennessee Senate Journal, Second Extra Session, 1861,* p. 160.

[138] *Annual Report of the Louisville and Nashville Railroad, 1861,* p. 57.

[139] *Rebellion Record,* II, 18 (diary); *Annual Cyclopædia,* 1861, p. 398; *Cincinnati Gazette,* July 9, 1861; *Cincinnati Commercial,* April 23, 1862; *Illinois Weekly State Journal,* July 10, 1861.

[140] *Statutes at Large, Treaties, and Proclamations, of the United States,* XII, 256-258; *Congressional Globe,* 38 cong., 1 sess., III, 2821.

[141] Richardson, *Messages and Papers of the Presidents,* IV, 37, 38; *Rebellion Record,* II, 532 (doc.)

Treasury Department that "commerce should follow the flag,"[142] and under a permit system that was devised the door was never closed on trade with the South.[143] But it was particularly during the period of Kentucky's neutrality that trade with the Confederacy flourished with few effective restrictions. An observer sized up the situation in November of 1861 by declaring that "all the Western States through Kentucky neutrality, assisted the rebels by furnishing provisions";[144] and in the words of Whitelaw Reid, "in spite of all efforts Kentucky long continued to be the convenient source and medium for supplies to the South-western seceded States."[145] It is, of course, impossible to state the amounts of provisions that reached the Confederacy through Kentucky, but contemporary evidence points to immense quantities. By the end of the period of Kentucky's neutrality, 1,200,000 pairs of shoes had gone south; and Tennessee alone had secured wheat and flour enough to feed the state troops for a year.[146] The Confederacy secured from the North the products of about 3,000,000 hogs during the season 1860-1861.[147] For the year ending with the first of September, 1861, Cincinnati recorded increases in her exports of beans of 119 per cent.; corn, 160 per cent.; ha[illegible]96 per cent.; lard, 66 per cent.; and wheat, 63 per cent.[148]

The Confederacy in its commercial policy looked toward commercial ends and it secured them; Southern products were rather effectively cut off from the North. The Federal government worked toward ultimate ends, and it won the bigger reward; the reins had been loosely drawn over Kentucky during her critical period, and thereby she was constrained to remain in the Union. The South, too impatient to be tolerant and too impetuous to be tactful, lost the greatest prize of the West—Kentucky.

[142] *Report of the Secretary of the Treasury on Finances,* 1861, p. 24.

[143] See E. M. Coulter, "Commercial Intercourse with the Confederacy in the Mississippi Valley, 1861-1865" in *Mississippi Valley Historical Review,* V, 4, pp. 377-395.

[144] *Crisis,* Nov. 7, 1861.

[145] Reid, *Ohio in the War,* I, 41.

[146] *Crisis,* Nov. 7, 1861.

[147] Edward A. Pollard, *The Lost Cause. A new Southern History of the War of the Confederacy* (New York, 1867), 481.

[148] *Cincinnati Commercial,* Sept. 11, 1861.

CHAPTER V

THE STATE AS A NEUTRAL

That neutrality expressed the desire of the people of Kentucky, so far as it could be discovered, there can be little doubt. The movement originated with the people, and the doctrine was adopted by popular assemblies before the legislature met; both branches of this body agreed to it, and the governor issued his proclamation announcing it. It will now the difficult task of the state to maintain its position, which appeared so strange to others; and Magoffin, as the chief executive, was forced to bear the greatest burden.

The first important expression of opinion on this neutrality policy, after its adoption by the legislature, was in the Border Slave State Convention, which met in Frankfort on May 27th. This assembly had been called as a last effort to use the pressure of the border states in forcing a settlement of the national difficulties; but so general was the feeling that the days of compromise were past that only two states were represented, Kentucky and Missouri.[1] Among the Kentucky delegates were Crittenden, Guthrie, Dixon, J. F. Bell, C. A. Wickliffe, and J. F. Robinson—all outstanding Unionists.[2] The Southern Rights leaders took no part. In an address to the people of Kentucky the body declared that that state must stand on her principle of neutrality, that she should not fight either faction, but that against foreign foes she should fight "to the utmost regions of the earth."[3] In an address to the people of the United States two plans to save the Union were put forth: first, Congress should submit for adoption such amendments to the constitution "as will secure slaveholders their legal rights," and secondly, a national convention should be called immediately to aid in a settlement. Both the North and the South were chided for their headstrong courses. The South was called upon to re-examine its precipitate action to see whether the worst

[1] Two counties in Tennessee sent a delegate, who was admitted but was given no official standing. *Rebellion Record,* I, 353 (doc.)

[2] Collins, *Kentucky,* I, 89.

[3] *Rebellion Record,* I, 353-356 (doc.)

evils it feared were not in fact only fancied; and the North was advised to abandon its sectional and unfriendly spirit.[4]

The overwhelming desire of Kentucky to preserve peace did not arise from a fear of war, nor did it shut the eyes of the people to the necessity for preparations for the worst, if worst must come. As the clouds of civil conflict had been approaching during the past decade, the wretched condition of the state's military forces had become almost a nightmare, and during 1859 and the early part of 1860 persistent demands had gone up from many parts of the state for a new and more effective militia law. The *Bardstown Gazette* declared there "ought to be about one hundred thousand militiamen in Kentucky," for "with such a body of citizens, properly organized, what have we to fear from foreign invasion or domestic tumult?"[5] The times were serious; the state's position was precarious; preparations must be made. The *Kentucky Yeoman* declared that "although an occasion may never arise for *offensive* warfare, the time has come for a defensive preparation. A crusade is now being preached against the South and her institutions from hundreds of pulpits, and by men more eloquent than Peter the Hermit; and if the voice of one man could array Europe in arms for a fanatical purpose, may not the voice of hundreds, joined to the prospect of plunder, precipitate upon us a horde of Vandals as rapacious as ever enlisted under Genseric. Ours is a border state, and whenever the conflict comes we must stand the brunt of the battle. The States farther to the South can look on for years, with almost indifference, at the 'conflict,' and only after our territory has been penetrated a hundred miles shall their turn begin. Geography has assigned Kentucky her position, and her people will accept it in no craven spirit; and our legislature should not leave it to a late posterity to reproach them with being unfaithful guardians upon our watch-towers."[6]

In response to this movement there was passed in March, 1860, an elaborate militia law, completely remaking the state's military forces. It was drawn up by Simon Bolivar Buckner, a West Point graduate, who became inspector-general under it.[7] All of the able-bodied men in the state between the ages of 18 and 45 were made a part of the Enrolled Militia, and out of this group were to be taken those who should be trained and fully equipped, designated Active or Volunteer Militia but more commonly known as State

[4] *Rebellion Record,* I, 350-353.
[5] Quoted in *Kentucky Statesman,* Jan. 10, 1860.
[6] Quoted *ibid.,* Jan. 20, 1860.
[7] Battle, Perrin, and Kniffin, *Kentucky,* 356.

Guards.[8] This whole movement was distinctly sympathetic to the South, and if it were a threat against any one, it was against the North. The charge was made at the time by some that it was a great disunion plot.[9]

Buckner immediately set to work with great zeal and industry in building up a real army, well trained and properly equipped. He found very little money available; but with the aid of private donations from citizens of Louisville and Jefferson County, he began to whip into shape the few isolated companies then existing ("very properly styled independent companies") in a summer encampment which he held near Louisville.[10] He sought with success to make this largely an officers' training camp. Interest in it rapidly spread throughout the state as was well shown in the rapid organization of companies asking to be accepted as State Guards. John Morgan got together his "Lexington Rifles" and offered them the day after the bill became a law, and other martially inclined Lexingtonians were soon forming additional companies.[11] By the beginning of 1861, Buckner had sixty-one companies under his control. As for equipment, the state had in its possession in the armory at Frankfort fifty-eight pieces of ordnance of all kinds, including two six-pounder Mexican trophies, and eight thousand muskets, rifles, and carbines. There were also about twelve thousand muskets and rifles in the hands of State Guards, with more than an equal number scattered among the old disorganized militia companies and irretrievably lost to the state.[12] For the proper arming and training of a moderate military force, Buckner estimated the cost at over $3,500,000 for the ensuing year.[13]

With the secession movement rapidly running its course, many Kentuckians naturally turned with great earnestness toward adequately arming the state. Magoffin urged the legislature in January to provide for its proper defense; but suspicions were soon aroused among the strong Unionists that this was a Southern plot to lead the state into secession, and so this session refused to act. Garret Davis charged that Magoffin was working for a mil-

[8] *Acts of Kentucky, 1860* (session Dec. 5, 1859-March 5, 1860), ch. 1332. This act was slightly amended on April 4, 1861. *Ibid.*, 1861, 28-33.

[9] *Kentucky Statesman,* Aug. 31, 1860.

[10] "Report of the Inspector General" in *Kentucky Documents,* 1861, II, 9-12; *Kentucky Statesman,* Aug. 31, 1860.

[11] *Ibid.,* March 6, 1860. See also *ibid.,* April 6.

[12] "Quartermaster-General's Report, January 1, 1861" in *Kentucky Documents,* 1861, II, 13-15.

[13] *Kentucky Statesman,* Dec. 3, 8, 11, 1860.

lion dollar appropriation with which he hoped to arm the state, stir up the military ardor of the young men, and defy the Unionists.[14] Davis believed that an appropriation at that time for arming the state would have had a dangerous effect on the states north of the Ohio River. He went to Frankfort to work against it and informed Robert J. Breckinridge that he would call upon him to address the legislature if necessary.[15] A partial victory for preparedness was secured in the next session in April, when a small appropriation (less than $20,000) was made, to be spent on the Frankfort arsenal and in repairing arms and other equipment.[16]

On April 12 Fort Sumter was fired on; war had now actually begun—Kentucky felt fearfully unprepared for the momentous days ahead. The legislature had now adjourned; but had it been in session, little could have been expected from it beyond indecision. Thus left to act alone, Magoffin immediately sent out his agents in all directions with instructions to purchase arms and munitions of war wherever possible and from whomever possible. Buckner went northward; other agents went to the southward[17]—Magoffin was already begging the Confederate Secretary of War, Walker, to part with a good supply of arms and ammunition.[18] So greatly did Magoffin and the other Southern Rights Party leaders fear an invasion from the states north of the Ohio that they opposed any direct move to take the state out of the Union until it was properly armed[19]—and thus did arming the state assume vital importance as a political measure. Toward the latter part of April Magoffin attempted to secure arms from the Confederacy through the interposition of General Pillow, who was encamped on the southwestern border of the state with a Confederate army. Secretary Walker, satisfied with nothing less than the secession of Kentucky, told Pillow that he would "assist Kentucky when advised officially that it is desired."[20] So keen was the competition in all parts of the country for munitions of war that Magoffin had great difficulty in securing anything for Kentucky. One of his greatest handicaps was the lack of money, a situation

[14] *Breckinridge MSS.*, 1861. Davis to R. J. Breckinridge, Jan. 19, 1861.

[15] *Ibid.*, Davis to Breckinridge, Jan. 15.

[16] *Acts of Kentucky* 1861 (session of March 10-April 4), 34.

[17] W. C. Goodloe, *Kentucky Unionists of 1861* (Cincinnati, 1884), 7, 8; *Official Record*, ser. I, vol. 52, part 2, p. 71.

[18] *Ibid.*, 67.

[19] See *ibid.*, 71, 72.

[20] *Ibid.*, 81. Walker to Pillow, May 3, 1861.

which the Union men strove to perpetuate.[21] Nevertheless he was able to secure temporary loans of $80,000 from the Southern Bank of Kentucky, the Bank of Louisville, and the Commercial Bank, and a promise from the People's Bank. The other banks called upon flatly refused to make loans to Magoffin.[22] The Bank of Kentucky voiced the suspicions of the Union men generally when it refused to advance money unless the governor promised to repel invasion from the North and South alike "and to protect the present status of Kentucky in the Union."[23] Louisville prepared for the uncertainties of the times by appropriating on April 23rd $50,000 for arming the city, and subsequently providing for a $150,000 increase.[24] The counties of western Kentucky sent their agents to Memphis in a vain attempt to secure five thousand small arms there; and the mayor of Columbus went in person to beg Secretary Walker to provide the necessary means to fortify and defend his city.[25]

The first element of weakness in the practical working of Kentucky's neutrality was now speedily showing itself. Under the soothing cloak of neutrality each faction set feverishly to work to arm itself, either supporting or opposing the development of state armament according to the control it felt it could exert in each instance. The Unionists, though laboring under the disadvantage of having a Southern sympathizer as governor, were no less anxious to arm the state, with proper safeguards, than were the Southern Rights men. "Armed neutrality" now came to be a common term, with "mediatorial neutrality" used only when the occasion called for a different note.[26] As an expression of the Unionist position, the Union Central Committee, in its address issued directly after the firing on Fort Sumter, called upon the state to "arm herself thoroughly at the earliest practical moment";[27] and a few days later Garret Davis, one of the outstand-

[21] *Louisville Courier,* April 29, 1861.

[22] *Ibid.,* May 8.

[23] Collins, *Kentucky,* I, 88.

[24] *History of the Ohio Falls Cities and their Counties,* I, 325.

[25] *Official Records,* ser. I, vol. 52, part 2, pp. 89, 90, 94, 95. Harrison County attempted to secure the right to borrow $20,000 to arm herself. The bill was defeated in the senate on May 18th, after having passed the house. Collins, *Kentucky,* I, 90.

[26] It was later charged by many Unionists that "armed neutrality" was a secessionist invention, wanted by them alone, and that "mediatorial neutrality" was the only desire of the Unionists. Contemporary evidence on all sides disproves these statements. See Goodloe, *Kentucky Unionists,* 11.

[27] *Congressional Globe,* 37 cong., 2 sess., appendix, 74, 75.

ing Union leaders, called upon all Kentuckians, men and youths, to "procure for themselves the most effective arms, and then themselves form an independent organization of companies, regiments, and divisions."[28] Armed neutrality soon became a game between the two factions with the state as the stake. Each accused the other of selfish motives. A Southern sympathizer declared that "The neutrality of Kentucky has been all the time a cloak to enable the Lincoln party to hide their real design to arm the friends of Lincoln and to disarm the Southern Rights party."[29] Later it was characterized as meaning "guns for the Union men and none for the rebels."[30] Unionists such as Lovell H. Rousseau, so strong in his Unionism as to oppose all brands of neutrality, declared armed neutrality a rebel trick and warned Kentuckians that "Secessionists will not let you maintain your armed neutrality one moment longer than they can help it. . . . They have constantly denounced it, and have only *submitted* to it till they could do better."[31] The Unionists were in the unfortunate position of having to build up their military force separate from the organized state militia—a most dangerous expedient inviting private warfare.

The final session of the legislature, May 10th to the 24th, saw a constant struggle between the Unionists and Southern Rights men in their attempts to control the armament of the state. Every move of the one was eyed with suspicion by the other. In calling the session on May 6th, Governor Magoffin emphasized the need of arming the state; and the Unionists replied with the request that he lay before the legislature the details concerning the armament he had already built up—where he had received funds and with whom he had made contracts.[32]

As previously noted, an attempt had been made to take the military power completely out of the hands of Magoffin and to place it in a board of five men. The two factions failed at this time to agree on the plan because of a dispute over the membership.[33] But on the final day of the session a bill was passed which set up a military board and compromised the difficulty over mem-

[28] *Congressional Globe*, 37 cong., 2 sess., appendix, 83. Davis to Geo. D. Prentice, April 28, 1861.

[29] *Official Records*, ser. I, vol. 4, p. 193. G. A. Henry to Jefferson Davis, Sept. 15, 1861.

[30] *Proceedings in Congress upon the Acceptance of the Statue of Thomas H. Benton and Francis P. Blair* (Washington, 1900), 28. An address by Champ Clark.

[31] *Rebellion Record*, I, 330 (doc.) Speech in Kentucky senate, May 21, 1861.

[32] Collins, *Kentucky*, I, 89.

[33] *Ibid.*, I, 90.

bership in a unique and dangerous fashion. The board, consisting of five men, was given complete control of the military force—albeit the constitution gave it to the governor. They were allowed to borrow money ($1,060,000 to begin with), to purchase arms and ammunition, to erect powder mills (but not in any border county), and to have complete control over the whole armament of the state.[34] The compromise between the two factions came in the two distinct groups of soldiers that were to be raised—a move as sure to sow the seeds of internal conflict as if it were designed for that purpose. Besides the State Guards, whose character and sympathies had already been largely moulded by their inspector general, Buckner, there were now to be called into existence groups of soldiers throughout the state to be known as Home Guards, who would represent directly the Union sentiment. These two forces were to be placed on an equality and they were to participate equally in an initial military fund of $750,000. The Home Guards in many respects were a peculiar organization. They were not organized militia and were, therefore, not recognized as state troops and, hence, could not be called out of the county. As their name implied, they were to be strictly home guards. They were to receive their arms after the county judge should certify their organization, and they could hold them in their possession for five years unless they were called in earlier. The distinct danger here arose of placing arms in the hands of irresponsible groups at a most critical time. The legislature carefully specified that none of the state armament should be used either against the North or the South, unless Kentucky were invaded; it was considered wholly a defensive measure.

This military legislation in reality took away the constitutional rights of the governor as commander-in-chief of the state forces and handed his power over to a group unknown to the constitution. True enough he was made a member of the Military Board, but his voice was only one in five. The Unionists had won a significant victory here.[35] Later when Kentucky had lined up with the Union, the Federal Government completely ignored the governor and addressed all its military communications to the president of the Military Board alone.[36]

[34] *Acts of Kentucky,* 1861 (session of May 6th-24th), 4, 5. The powder mills were never set up, as it was found to be cheaper and easier to buy explosives than to make them.

[35] A Kentuckian said, "Humiliating as it is, our recent Legislature . . . in the name of an outraged people, have taken from the hands of the Governor all his military power." *Frankfort Tri-Weekly Commonwealth,* May 29, 1861.

[36] For example, *Official Records,* ser. III, vol. 2, p. 296.

Kentucky was officially neutral but each individual had by this time made his choice or was fast making up his mind; and in the meantime was fast arming himself. The warlike preparations that were to be seen going on in every direction led a pacifically inclined citizen to remark, "If it requires all these men and all this money, to keep up an armed neutrality, God save the Commonwealth from active war."[37] Arms were being feverishly sought in every place and by every means for private arming. Danville was swept clean when the news of the firing on Fort Sumter reached there,[38] but Louisville was able to maintain herself as a source of supplies for a long time to come.[39] One of the greatest acts of kindness among friends was to secure firearms for each other. Navy revolvers sold for $50.[40] When weapons could no longer be bought, the more daring and intrepid resorted to violence to secure them. Arms sent out into the state for the Home Guards were eyed with eager interest and sometimes seized.[41] Six cannon and nine hundred muskets suddenly disappeared from Paducah and turned up again in Tennessee.[42] Those who had once been members of old militia companies and still retained their arms successfully maintained possession of them, despite laws passed to recover them.[43]

In this mad race to secure arms the Unionists had the direct but secret aid of the Federal government, and thereby very early started the movement which forced the Southern Rights men to act in self-defense. The Unionists had resorted to irregular individual arming until the new militia law was passed on May 24th, and thereafter, securely entrenched in their military power, they built up the Home Guards and sought to destroy the effectiveness of the State Guards. While Magoffin was in control of whatever armament the state had, the Unionists began frantically to call for arms from the Federal government to prevent the Confederate sympathizers from taking the state out of the Union.[44] William

[37] *Frankfort Tri-Weekly Commonwealth,* May 11, 1861.

[38] *Breckinridge MSS.,* 1861. April-June.

[39] *Ibid.* The following notice appeared in the *Louisville Journal:* "If any good Union men (no other need apply) want a few first class navy pistols at much less than the ordinary rates, we may make a suggestion for their benefit —if they come to us soon." Quoted in *Rebellion Record,* I, 92 (Rumors and Incidents).

[40] *Breckinridge MSS.,* 1861. J. Y. Brown to W. C. P. Breckinridge, May 9, 1861.

[41] *Rebellion Record,* II, 475 (doc.)

[42] "Report of Military Board" in *Kentucky Documents,* 1861, No. 5, pp. 9-20.

[43] *Annual Cyclopædia,* 1861, p. 397.

[44] For example, *Official Records,* ser. I, vol. 52, part 1, p. 141.

Nelson, a native Kentuckian, who chanced to be in Washington, saw Lincoln in early May and convinced him that the Kentucky Unionists should be afforded arms immediately. The President directed an initial consignment of 5,000 arms to be sent to Cincinnati from which place they were to be sent to different parts of Kentucky. Nelson forwarded part of them to Louisville by a route north of the Ohio, and hurried there, himself, to have a conference with Joshua F. Speed, a friend of Lincoln's, whom the President had instructed Nelson to visit in order to formulate plans for distributing them. A conference of the most prominent Unionist leaders in the state was immediately held in Frankfort, where, in a session lasting almost all night, allotments were made and methods of distribution were formulated. The participants were James Harlan, John J. Crittenden, Garret Davis, Charles A. Wickliffe, Thornton F. Marshall, James Speed, Joshua F. Speed, and William Nelson. Most of the arms were to be sent to the central and northern counties of the state, and James Speed was selected to go to Indianapolis to secure supplies of ammunition. The exceedingly dangerous work of scattering arms among the various rising Unionist groups was now begun—for only "faithful and reliable Union men" were to be supplied. Jefferson County and the surrounding regions were stocked from Louisville, while all central Kentucky was supplied from Cincinnati down the Kentucky Central Railroad. Maysville became the distributing point for the eastern part of the state. Wagons from this place, loaded with rifles, supplied towns as far to the southwest as Danville. On more than one occasion armed conflicts were avoided almost as if by miracles. A consignment of arms from Cincinnati into the central part of the state was started down the Kentucky Central Railroad, but was turned back when it was learned that a band of Southern sympathizers were in Cynthiana determined to capture them. The arms were taken back to Cincinnati, loaded on a boat for Louisville, and then taken to Lexington by rail. Southern sympathizers here laid plans to seize them, and a bloody outbreak was averted only through the efforts of John C. Breckinridge and M. C. Johnson.[45] A nominal price of one dollar apiece was charged against those receiving these "Lincoln guns," as they soon came to be called.[46]

[45] Daniel Stevenson, "General Nelson, Kentucky, and the Lincoln Guns" in *Magazine of American History*, X (Aug., 1883), 115-139; *Crisis*, May 23, 1861; *Cincinnati Commercial*, Aug. 23, 24, 1861; Peter, *History of Fayette County*, 453.

[46] Collins, *Kentucky*, I, 91.

The hand of Lincoln and of the Federal government was deftly kept hidden, since it would have been difficult to defend this action as not constituting a breach of Kentucky's neutrality. Lincoln was sagacious enough to leave no written records to accuse; he conducted all of these transactions by word of mouth. These secret operations of the Federal government were soon suspected, and just before the legislature adjourned in May, an effort was made by certain members to start a legislative investigation of those guns that were being "placed into the hands of organized bodies of men unknown to the militia laws of the state." An acrimonious debate immediately broke out, and the Unionist members were soon attempting to add an amendment calling for an investigation of Magoffin's correspondence with the Confederacy.[47] The session came to a close without settling the question, but the Federal government's action did not pass without bitter and indignant comment out in the state. The people had now learned of "the atrocity of Lincoln in arming one class of men in Kentucky by the lawless instrumentality of clandestine agents."[48] They declared it to be a dastardly act unheard of in the annals of all history where a government gave guns in peacetime to one faction to use against another.[49]

Rivalry between the States Guards and the Home Guards became more intense, as the two factions became stronger and their purposes more evident. The former contended that they should participate equally in a division of arms that should be secured, regardless of the number they already possessed; but the Military Board decided that the Home Guards should be given all the armament secured until it was equal to the State Guards' supply.[50] As time went on, the Unionists became more and more suspicious of the State Guards, and sought to curb them. The great Unionist meeting at Louisville on April 18th had warned them "to remember that they are pledged equally to fidelity to the United States and Kentucky,"[51] and the cry soon went up that

[47] Stevenson, "Lincoln Guns," *op. cit.* 126, 127; Collins, *Kentucky*, I, 91.

[48] *Kentucky Yeoman*, May 25, 1861.

[49] *Ibid.*, July 11. A constant stream of guns flowed into the state to the Unionists. On August 1, a resident of Cynthiana stated that 500 superior United States guns arrived there that day for the Unionists; that 2,000 passed through to Lincoln County the previous day; and that there would be 25,000 in the state within two or three days. Referring to the legislative elections, he said, "The guns are worth more to us than carrying the Co. on Monday next." *Breckinridge MSS.*, 1861. Geo. Morrison to R. J. Breckinridge, Aug. 1, 1861.

[50] "Report of the Military Board" in *Kentucky Documents*, 1861, No. 5, p. 4.

[51] *Rebellion Record*, I, 74 (doc.)

"Our State has supported a camp of instruction for the Southern Confederacy quite long enough."[52] The legislature later required new oaths of loyalty to the United States constitution;[53] and before the end of the summer the Military Board took further action against them by resolving "That no more money will be appropriated at present for the purpose of training men who may at any moment abandon the service of the State to join others in hostility to the State of Kentucky and the Government of the United States."[54] The Military Board next proceeded against the State Guards by calling in all of their arms; but few guardsmen were so timid as to obey.[55] As the crisis in Kentucky approached, the State Guards left in great numbers to join the Confederacy, and in September the legislature abolished that branch of the service altogether.[56] The Unionists held Buckner to blame for corrupting the guardsmen. Garret Davis declared, "He has seduced the very elite of our youth to abandon their country and their Government, their homes and their firesides, and become traitors and criminals to their native State, as well as to the United States."[57]

When Kentucky remade her military organization after actively joining the Federal side, she left the Home Guards as a sort of unorganized force; and because of their lack of restraint and responsibility they at times brought discredit upon themselves by their rash acts.[58]

Neutrality meant at least the Union, and, hence, it expressed the dominant desire of Kentucky; but it was not difficult for many Kentuckians to be so strongly in favor of neutrality in theory that they were willing to fight for it, and this meant fighting for the Union. Various meetings over the state showed this strong Union feeling. In May, an assembly in Garrard County declared secession "illegal, unconstitutional, and impolitic . . . and tending only to political chaos and anarchy";[59] a Casey County meeting stood for measures "to defeat the revolutionists of the rebellious States";[60] and a Montgomery County newspaper

[52] *Frankfort Tri-Weekly Commonwealth,* July 15, 1861.
[53] *Louisville Journal,* June 5, 1861.
[54] "Report of the Military Board" in *Kentucky Documents,* 1861, No. 5, p. 4.
[55] *Ibid.*
[56] *Annual Cyclopædia,* 1861, p. 397.
[57] *Congressional Globe,* 37 cong., 2 sess., 1861-2, part 3, p. 2673.
[58] *Ibid.,* 37 cong., 3 sess., part 1, p. 250; Battle, Perrin, and Kniffin, *Kentucky,* 357; *Rebellion Record,* III, 171 (doc.)
[59] *Louisville Journal,* May 7, 1861.
[60] *Ibid.*

declared that it was treason to attempt secession and it was, therefore, "lawful to resist any such ordinance."[61] In April a flag-raising and general jollification was held in Lexington;[62] and in Louisville Major Anderson's defense of Fort Sumter was lauded as "an example of what ought always to be the conduct of a patriotic soldier, in the presence of the armed assailants of his country's flag."[63] The Germans in Louisville came out strongly for the Union; and the *Louisville Journal's* stand for Unionism made thousands of converts.[64] And the galaxy of strong Union leaders in the state was indispensable to a final victory for the Federal government.[65] John J. Crittenden was the outstanding conservative Unionist leader; and the character of his leadership being so strongly exerted when it was, unquestionably became one of the strongest forces making for the Union. According to a contemporary, "His eloquence and his great popularity secured the triumph of the Union men in his district; and the great confidence the whole State reposed in him kept the State in the Union."[66]

In addition to the great mass of Kentuckians, who looked with strong affection on the Union, there was a small uncompromising group who from the very beginning would be satisfied with nothing less than the state's complete adherence to the Union. They bitterly criticized Magoffin's neutrality proclamation and opposed all who stood for neutrality.[67] Crittenden was denounced for standing on that doctrine, and one strong Unionist wrote him: "You counsel Neutrality—Neutrality!! Why, Sir, this is a declaration of State Sovereignty, and is the very principle which impelled South Carolina and other States to secede from the Union." He declared that Kentucky was already in rebellion in thus resisting the Union.[68] A Louisvillian said that "though we cannot doubt his honest patriotism, we are satisfied that his course will precipitate Kentucky into disunion. Compromises, such as his, cannot and will not command a majority of votes in Congress.

[61] *Rebellion Record,* I, 30 (diary).

[62] *Ibid.,* 39, 40 (diary).

[63] *Ibid.,* I, 76 (doc.)

[64] *Ibid.,* 377, 378.

[65] For a list of some of them see, Speed, *Union Cause in Kentucky,* 71-86; Battle, Perrin, and Kniffin, *Kentucky,* 352.

[66] W. B. Kinkhead in *New York Sun,* quoted in E. S. Kinkhead, *History of Kentucky* (New York, 1896), 171.

[67] *Frankfort Tri-Weekly Commonwealth,* May 21, 1861.

[68] *Crittenden MSS.,* XXV, 5287, 5288. John A. Watkins to Crittenden, May 15, 1861.

. . ."[69] The outstanding leader of the radical Unionists was Joseph Holt, who exercised a powerful influence from his vantage point in Washington. "No name is more honored today in the old Commonwealth than that of Jo Holt,"[70] said one Kentuckian, and another admirer wrote, "It is something for us to rejoice over, that in the midst of a pitiless storm, among breakers of the wildest confusion and among treacherous rocks, when light after light went down and darkness seemed setting in hopelessly over the ship of State 'the pilot that weathered the storm' is a Kentuckian as well as an American."[71] Holt took a decided stand against neutrality from the beginning and never swerved from his determination to keep the state in the Union.

On the day neutrality was declared by the Kentucky senate, Joshua A. Speed wrote Holt begging him to make a few speeches in the state and to send a signed address to the people. "Kentucky is nervous and excited," he said, "& the people struggling between loyalty to the Government and deep seated distrust of the policy of the administration in regard [to] war. . . . For Heaven sakes aid us if you can."[72] In response, on May 31st, Holt wrote Speed an extended letter, which was in effect a skillful and passionate address to the people of Kentucky, opposing neutrality and bitterly castigating the South. How can a person be neutral in such a cause, he asked, adding that neutrality was, nevertheless, better than rebellion. Neutrality was untenable in every respect; the United States had as much right to pass into or through Kentucky as it had to pass down the streets of Washington. Southern demagogues and conspirators were deliberately bent on destroying the Union, and had been plotting it for years. The Democratic schism at the Charleston convention was only a part of the plot which was consummated in the firing on Fort Sumter, a dastardly attack upon starved and ragged soldiers defending their country's flag. So abandoned were these miserable conspirators in their cowardly crimes that they had already plotted the destruction of Washington. Knowing the almost universal aversion of Kentuckians at this time to fighting the South, Holt declared the Federal troops would resist aggressions in no spirit of malice or destructiveness. "If called on to press her soil," he said, "they will not ruffle a flower of her gardens, nor

[69] *Holt MSS.*, XXIX, 3818. L. N. Dembitz to Holt, June 14, 1861.
[70] *Ibid.*, XXVII, 3562. J. J. Speed to Holt, Jan. 28, 1861.
[71] *Ibid.*, XXVI, 3507. T. S. Bell to Holt, Jan. 8, 1861.
[72] *Ibid.*, XXVIII, 3797.

a blade of grass of her fields in unkindness. No excesses will mark the footsteps of the armies of the Republic; no institution of the States will be invaded or tampered with, no rights of persons or of property will be violated." The South, he declared, had refused to compromise; she would either rule or ruin, and thereby put the United States in the condition of Mexico. "Has the war-hoop, which used to startle the sleep of our frontiers," he asked, "so died away in her ears that she is willing to take the red-handed savage to her bosom as the champion of her rights and the representative of her spirit?" After all, the South was attempting to drag Kentucky in to fight her battles. "The people of the South now sleep quietly in their beds, while there is not a home in infatuated and misguided Virginia that is not filled with the alarms and oppressed by the terrors of war. . . . No wonder, therefore, that she [Kentucky] has been so coaxingly besought to unite her fortune with those of the South, and to lay down the bodies of her chivalric sons as a breastwork, behind which the Southern people may be sheltered." Furthermore, if Kentucky should join the Confederacy she would be taxed to death, and soon find herself a dangling thread of the ravelled Southern fabric; for the Confederacy would inevitably fall apart. She would be inviting disaster to slavery, for Canada would be brought directly to her doors. The South, he declared, had inaugurated this terrible war and he could not "but feel that they are accumulating upon their souls an amount of guilt hardly equalled in all the atrocities of treason and of homicide, that have degraded the annals of our race from the foundation of the world."[73]

By thus so skillfully playing upon the prejudices and fears of the people at such a critical time, Holt was able to strike a strong blow for the Union. One applauding friend wrote him, "I was delighted with your stab at that monstrosity—neutrality. Rest assured that the great heart of the people of Kentucky has no fellowship with the doctrine."[74] Holt's letter was immediately printed in pamphlet form and more than 30,000 copies were scattered over the state.[75] Holt was informed that it would "be scattered broadcast by paper & by pamphlet & will tell largely upon the contest now going on for Congress."[76]

[73] *Rebellion Record*, I. 283-292 (doc.)
[74] *Holt MSS.*, XXVIII, 3808. T. S. Bell to Holt, June 9, 1861.
[75] *Ibid.*, XXIX, 3810. T. S. Bell to Holt, June 10, 1861.
[76] *Ibid.*, 3812. J. J. Speed to Holt, June 10, 1861.

This Congressional election had been called for June 20th, because of the special session of Congress which Lincoln had summoned to meet on July 4th. The Unionists were straining every nerve to capture the new congressmen for the moral effect it would have on the state; while the Southern Rights Party had pretty well come to see by this time that whatever the degree of Kentucky's Unionism was, it was the dominant feeling of the state. For this reason many of the more intrepid leaders began to consider the days of ballots as past. Commenting on the situation in Louisville, one of them wrote Secretary of War Walker, that "the Dutch and Yankees in Louisville will sit about and be handcuffed, but Kentuckians must feel and speak for themselves ere long, and she must and will be for the South."[77] Many Southern Rights men felt it highly illogical and futile to take any further part in the degraded politics of the state. The strongly Southern *Louisville Courier* declared that if "in any district in this State there is one man whose submission is so abject, or whose ambition is so great as to lead him to desire an election to Congress at Washington, we trust our friends will let him make the canvass undisturbed and be elected unopposed."[78]

The result of the election was an overwhelming victory for the Unionists, as was to be expected. The Southern Rights Party received majorities in only fifteen counties, and most of these were in the First District, in the extreme western part of the state.[79] An analysis of the votes shows that the Southern Rights Party had spurned the election and had stayed away from the polls generally. The total vote in the election was less than half the number cast in the presidential election of the preceding year. Additional proof that the Southern Rights Party failed to cast its full vote is seen in the fact that the gains made by the Unionists in the various districts did not nearly compensate for the decrease in the Southern Rights Party vote.[80] It should also be understood that the Unionist vote was made up of all degrees of Unionism, and that it was interpreted generally as being the overwhelming expression of the state for neutrality—the first popular referendum on this subject since the state had announced its position.[81]

[77] *Official Records,* ser. I, vol. 52, part 2, p. 99. S. R. Cockrill to L. P. Walker, May 14, 1861.

[78] Quoted in *Louisville Journal,* June 18, 1861.

[79] They carried this district. *Tribune Almanac,* 1861, p. 60.

[80] *Ibid., passim.*

[81] *Kentucky Yeoman,* June 25, 1861.

In early August another election, for the legislature, was to be held; and, thus, again would the people have a chance to register directly their will. This election afforded the strong Unionists an objective to work toward in their efforts to sublimate neutrality into unconditional Unionism. The influence of Joseph Holt was almost predominant during this period. He was constantly sought by towns in all parts of the state for speeches.[82] His letter to Speed, which had played an important part in the Congressional election, was carried into the legislative campaign. A Louisville leader wrote him that it was "still in great demand; I continue to send it out by thousands, and expect to continue to do so until a Union victory crowns the Legislative elections."[83]

On July 13th Holt made an address in Louisville, bitterly condemning neutrality and the South, and calling upon Kentucky to take a decided stand for the Union. His speech was declared to be a "triumph for the Government and the Union."[84] He maintained that Kentucky should not stand idly by and see the best government in the world destroyed. If disunion succeeded it would not stay its malignant progress until the whole nation would be broken into a thousand jarring fragments, and the prosperity of all would be gone. "If you would know what are the legitimate fruits of secession," he said, "look at Virginia and Tennessee, which have so lately given themselves up to the embrace of this monster. There the schools are deserted; the courts of justice closed; public and private credit destroyed; confiscations and spoliations everywhere prevailing; every cheek blanched with fear, and every heart frozen with despair; and all over that desolate land the hand of infuriated passion and crime is waving, with a vulture's scream for blood, the sword of civil war. And this is the Pandemonium some would have transferred to Kentucky."[85]

As the time for the election drew close, Holt worked with increasing fervor and vigor for the Union. On the last day of July he addressed an encampment of Kentuckians, who were gathered for training across from Louisville in Indiana at Camp Jo Holt, named in honor of the speaker. He spoke now with less consideration for neutrals, and proceeded to characterize them as "those who still vacillate, who are still timidly balancing chances

[82] *Holt MSS.*, XXIX, *passim.*

[83] *Ibid.*, 3833. T. S. Bell to Holt, June 24, 1861.

[84] *National Intelligencer,* July 20, 1861, quoted in *Rebellion Record,* I, 29 (diary).

[85] *Rebellion Record,* II, 297-303 (doc.); *An Address by Joseph Holt to the People of Kentucky, July 13, 1861* (New York, 1861). Pamphlet.

and coldly calculating losses and gains; who still persist in treating this agonizing struggle for national existence as a petty question of commerce, and deliberately take out their scales and weigh in our presence the beggarly jewels of trade against the life of our country." But there would soon be an end to this infamy: "Not many weeks can elapse before this powerful commonwealth will make an exultant avowal of her loyalty, and will stand erect before the country, stainless and true as the truest of her sisters of the Union."[86]

As the days went by, Kentucky's Unionism grew stronger. True enough, various acts of the Republicans greatly jarred the sensibilities of the Kentuckians, but they still continued to abhor disunion. Lincoln's message to Congress in July did not please them; but they consoled themselves with the feeling that they were "for the Constitution and Union, and not for Mr. Lincoln—and it is no part of their creed that a foolish opinion of a President, or a temporary mal-administration of public affairs, is a sufficient cause for breaking the nation to pieces."[87]

Earlier in the year when the Legislature was beginning to show its reluctance toward calling a sovereign convention, the Southern Rights leaders had looked confidently for relief to the following August election when they fully expected to secure a legislature to their liking. In the latter part of March, Blanton Duncan had written Secretary of War Walker, that he would amuse himself canvassing the state and that he felt "a strong confidence in our ability to carry it in August." "If we do," he added, "we shall join you about the 1st of January."[88] But the situation had greatly changed before the August election came, and as in the case of the Congressional election in June, so in this one, the Southern Rights Party made little effort to put a ticket into the field. The result was a decisive victory for the Union candidates. In the house the Unionists won 76 seats to 24 for the Southern Rights Party; and in the senate, including the hold-overs, they had 27 to 11.[89] Again the character and composition of the majority should not be misjudged. The situation was well put in a letter from a Kentuckian to Salmon P. Chase, in which he said: "If the late vote of Ky is relied on, as an indication of the strength of the Union party it will deceive you. The vote

[86] *Rebellion Record*, II, 451 (doc.)

[87] *Frankfort Tri-Weekly Commonwealth*, July 10, 1861.

[88] *Official Records*, ser. I, vol. 52, part 2, p. 32. March 29, 1861.

[89] Shaler, *Kentucky*, 247. Only one-half of the senators stood for election at this time.

showed a large majority, but when carefully considered it will be found that nearly all the old men are Unionists at heart and in action while their sons, living in their fathers' houses are heading rebellion. There is another large class, who sympathize with the rebels, yet from policy vote and talk Union, and almost *every* Union man considers the *South* aggrieved, and expects an end of war only by agreeing to any demand by way of guarantee which the South may demand. . . . I am sure that Kentucky is only a Union State for fear of the consequences of being the seat of war as a border Confederate State."[90] The most that can be said for Kentucky Unionism as a whole, as evidenced in the summer elections, was that it stood definitely for neutrality, in theory at least. There was, nevertheless, as has been heretofore noted, a growing group of unconditional Unionists, while at the same time the great mass of neutral Unionists were more strongly favoring the Union and losing patience with the South.

Kentucky's neutrality was becoming increasingly more difficult to maintain, when assaults were being made on it by such leaders as Holt. Soon after neutrality had been declared, Buckner, on June 8th, entered into an agreement with General George B. McClellan, in command of Federal troops north of the Ohio, in which the latter recognized Kentucky's position and promised to respect it. In this conference held in Cincinnati, it was agreed that Kentucky should protect Federal property, enforce the laws of the United States, and maintain the obligations of her neutrality against the Confederacy. In return, McClellan would respect Kentucky territory; but if the Confederates should march in, and Kentucky should be unable to expel them, then she should give notice of the fact and Federal troops would be sent to her aid. When the Confederates should have been expelled, the Federal would then depart. If either party should change its attitude, the other should be notified.[91]

The validity and practicality of this agreement was soon to be tested. On June 11th, McClellan notified Buckner that he was in possession of information to the effect that Tennessee troops were about to occupy an island six miles below Cairo, and that he expected him to act on their agreement and prevent it. Governor

[90] *American Historical Review*, IV, 343. E. F. Drake to Chase, Aug. 29, 1861.

[91] *Rebellion Record*, II, 163 (docs.); *Crisis*, June 27, 1861; *Official Records*, ser. IV, vol. 1, p. 377; McElroy, *Kentucky*, 530-532.

Magoffin immediately informed McClellan that he had sent Buckner to Paducah to carry out the "understanding."[92] A little later, however, when Kentucky protested against a violent and unwarranted invasion of Columbus by soldiers from Cairo, to seize a Confederate flag flying there, McClellan dismissed the incident by declaring that the troops were not under his authority.[93] The whole agreement soon fell through, because of McClellan's denial of the vital parts of it, and suspicions soon superseded understandings.[94]

But Magoffin had taken it seriously and at its face value, and so had at once taken steps to guarantee the state protection against invasion from the southward, by sending Buckner to Tennessee, where an agreement was successfully made with Governor Harris to respect Kentucky's neutrality.[95] After McClellan's repudiation of his agreement with Buckner, Tennessee felt apprehensive of Federal invasion through Kentucky, and warned Magoffin against Federal penetration into his state.[96] Tennessee felt that her greatest safety lay in the secession of Kentucky, and urged it upon Magoffin by promising aid.[97]

As has been previously noted, Magoffin had in the latter part of April secured Lincoln's virtual recognition of Kentucky neutrality.[98] By July, fearing that his attitude might have changed, Magoffin sent Buckner to Washington for an interview with Lincoln. Accompanied by Crittenden he presented Kentucky's case to the President, who thereupon wrote a note and handed it to him, which he refused to sign; but he agreed to have Crittenden prove the authenticity in any way he saw fit. Crittenden then signed his initials, "J. J. C."[99] This is what was written on the paper: "So far I have not sent an armed force into Kentucky, nor have I any present purpose to do so. I solemnly desire that no necessity for it may be presented; but I mean to say nothing which shall hereafter embarrass me in the performance of what may

[92] *Ibid.*, 532, 533.

[93] *Ibid.*, 533, 534.

[94] *Rebellion Record*, II, 8 (diary).

[95] *Official Records*, ser. IV, vol. 1, pp. 376-378. I. G. Harris to Gid J. Pillow, June 13, 1861.

[96] *Ibid.*, ser. IV, vol. 1, pp. 531, 532. Harris to Magoffin, Aug. 4, 1861.

[97] *Ibid.*, ser. I, vol. 52, part 2, *passim*.

[98] *Ante*, p. 54.

[99] McElroy, *Kentucky*, 535.

seem to be my duty."[100] Lincoln, exercising extreme care to commit himself to nothing, and, indeed, to leave no certain evidence of having said anything at all, lulled Kentucky into a sense of security behind her neutrality, and gained the time which he so much desired.

That Buckner was also not incapable of playing the game is seen in the following order of August 17th from Lincoln to the Secretary of War: "Unless there be reason to the contrary, not known to me, make out a commission to Simon Buckner, of Kentucky, as a brigadier-general of volunteers. It is to be put into the hands of General Anderson, and delivered to General Buckner or not, at the discretion of General Anderson. Of course it is to remain a secret unless and until the commission is delivered."[101] Did Lincoln believe that Buckner might be won to the Union by the tempting offer of a commission? At least the Federals, as well as the Confederates, were bidding for him.

The Federal government had been in no mood from the beginning to abdicate its military rights or position in Kentucky. But on the contrary, despite dissimulating promises and obscure and ambiguous agreements, it had seized every opportunity secretly to fasten its hold on the state. On May 28th, the "Military Department of Kentucky" was set up, embracing all of the state within one hundred miles of the Ohio River, and Major Anderson, of Fort Sumter fame, was given the command.[102] This was a designed and definite move to seize the strategic frontiers of Kentucky, a perfect right of the Federal government but strangely at variance with the spirit of its neutrality dealings. Special care was taken to hide the real import of this procedure, as well as subsequent movements, by placing native Kentuckians in command.[103] Newport was formally occupied and Anderson was ordered to take up his headquarters in Louisville.[104]

[100] *Writings of Abraham Lincoln,* edited by A. B. Lapsley (New York, 1905), VI, 325, 326. July 10, 1861. See also *Clarksville* (Tenn.) *Jeffersonian,* June 25, 1861 (photostatic copy in McElroy, *Kentucky,* 536). Buckner said that Lincoln told him in substance that " 'as long as there are roads around Kentucky' to reach the rebellion, it was his purpose to leave her unmolested, not yielding her right to the position, she occupied, but observing it as a matter of policy." *Ibid.,* 535.

[101] *Official Records,* ser. I, vol. 4, p. 255.

[102] *Ibid.,* vol. 52, part 1, p. 147. On August 15th, this department was extended to include all of Kentucky and Tennessee, and its name was changed to "The Department of the Cumberland."

[103] *Ibid.,* pp. 156, 157. Winfield Scott said on June 4, 1861, "It is deemed here unwise to send to Kentucky a commander or troops not natives and residents of the State."

[104] *Ibid.,* p. 147.

Exercising extreme care not to alarm Kentucky or to wound her sensibilities, Federal officers began actively recruiting Kentuckians across the Ohio from Newport at Camp Clay, and across from Louisville at Camp Jo Holt.[105] At the former place, where at first the officers were not Kentuckians, the mistake was pointed out and native Kentuckians were substituted. Larz Anderson saw to it that the real meaning of the camps was disguised; he stated that "It would be judicious and politic that the troops should be raised 'for the defense and protection of Kentucky.' "[106] Considerable numbers of recruits were gathered from the northern border counties, and by early May it was reported that fourteen companies had been tendered to the United States and ten accepted.[107]

It was felt by some that a Kentucky regiment should be boldly and openly recruited and that it should be accepted as the state's contribution to war preparations. It was contended that by sending such a force to Washington the sectional character of the struggle would be largely avoided.[108] By the latter part of June, Lincoln had been convinced of the wisdom of this course; he sent a note on the 29th to the *"Gentlemen of the Kentucky Delegation* [in Congress] *who are for the Union"* in which he said, "I somewhat wish to authorize my friend, Jesse Bayles, to raise a Kentucky regiment, but I do not wish to do it without your consent. If you consent, please write so at the bottom." Five names were signed.[109] Nothing coming of this, a month later, he renewed his suggestion that a regiment of cavalry be raised "whenever the Union men of Kentucky desire or consent to it."[110] The Secretary of War agreed to accept a Kentucky regiment if Major Anderson would agree to it, which he, however, refused to do.[111]

As time went on, raising troops on the borders of Kentucky appeared too much like a half-way measure, and so on July 1st, William Nelson was directed to establish himself in the south-

[105] Thomas Speed, R. M. Kelly, and Alfred Pirtle, *Union Regiments of Kentucky* (Louisville, 1897), 19; Battle, Perrin, and Kniffin, *Kentucky,* 363; Collins, *Kentucky,* I, 92.

[106] *Official Records,* ser. I, vol. 52, part 1, pp. 161, 162.

[107] *Boston Transcript,* May 4, 1861, quoted in *Rebellion Record,* I, 55 (diary). See also Stevenson, "Lincoln Guns" *op. cit.,* 132.

[108] *Crittenden MSS.,* XXV, 5252. A. A. Lawrence to Crittenden, Boston, April 15, 1861.

[109] The names were R. Mallory, H. Grider, G. W. Dunlap, J. S. Jackson, and C. A. Wickliffe.

[110] *Writings of Lincoln,* V, 315.

[111] *Crittenden MSS.,* XXVI, 3226, 3227. Anderson to Crittenden, July 8, 1861.

eastern part of the state, for the purpose of collecting five regiments from Eastern Tennessee and raising three regiments in Kentucky. He was promised an immediate shipment of 10,000 stand of arms, six cannon, and an ample supply of ammunition. These arms were to be given to the "men so mustered into service and men organized as Union Home Guards."[112] Nelson, who, as has already been noted, had been distributing "Lincoln Guns," now immediately set to work to establish quarters and form an organization. He set up his base at Crab Orchard, and before the middle of July had issued commissions to Thomas E. Bramlette, Frank L. Wolford, and others to begin raising their regiments.[113]

Nelson had hesitated to begin actual training and to take on all the habiliments of an army camp until after the August election; and now emboldened by this Union victory he set up Camp Dick Robinson in Garrard County, about eight miles from the Kentucky Central Railroad, and began to raise an army.[114] This was a bold and daring attempt to capitalize the strong Union sentiment that existed in the eastern regions of Kentucky and Tennessee, and to lay hold on the strategic passes from Tennessee and the Southwest into Virginia.[115] It came dangerously near being a complete defiance of Kentucky sentiment and neutrality, and it was only by clever dissimulations that internal strife was prevented from breaking out. Garret Davis wrote Salmon P. Chase on August 21st that "To prevent it from alarming & to some considerable extent, disappointing the peace loving & timid Union men of the State, for the present it must be modified and be made to assume the name of an organization & encampment to give peace and security and protection to Ky. and all her people & for no other purpose. On this form, & for this ostensible purpose, the union men would approve and sustain it. . . ."[116]

But conservative Union men were not so easily fooled or beguiled; to them the times had taken on a dread and ominous hue. The state was now fast losing its feeling of peace and security, with such alarms of war arising in her very midst.[117]

[112] *Official Records,* ser. I, vol. 4, pp. 251, 252. L. Thomas to Nelson.

[113] *Ibid.,* 252, 253.

[114] For an account of activities here, see Battle, Perrin, and Kniffin, *Kentucky,* 355-369. By the middle of August another camp had been set up near Barbourville, which was, however, later merged with Camp Dick Robinson.

[115] The Virginia and East Tennessee Railroad, passing through this region, was of great strategic value to the Confederacy.

[116] "Diary and Correspondence of Salmon P. Chase" in *Annual Report of American Historical Association,* 1902, II, 499.

[117] See *Rebellion Record,* III, 256 (doc.). Speech by John C. Breckinridge, Oct. 8, 1861. See also *Danville Quarterly Review,* II, 221-236.

Wild rumors that had previously been set going were now becoming wilder. Among the less intelligent the dread news spread that Lincoln was about to send a mob of armed negroes into the state—the same ones "John Brown had armed" two years before.[118] The feeling was growing outside the state that "bloody civil war" might "break out any day."[119] Especially dangerous and provocative of armed conflict were the expeditions bringing guns and ammunition to Camp Dick Robinson. On August 11th George D. Prentice and Paul R. Shipman wrote Crittenden that such a movement was "as fearfully equipped for mischief as if it had been contrived by the Secessionists themselves or by the Devil himself. It is reckless in the last degree. It is insane."[120] Nelson, in defending his encampment against Crittenden's objections, declared that he could not but express his "great surprise at the excitement to which you allude and which I deem wholly unnecessary on the part particularly of Union men. That a camp of loyal Union men native Kentuckians should assemble in camp under the flag of the Union and upon their native soil should be a cause of apprehension is something that I do not clearly understand."[121]

Magoffin considered Camp Dick Robinson a clear breach of the state's neutrality, which Lincoln had in effect agreed to respect; and on August 19th he sent two commissioners to Lincoln and wrote him a letter in which he declared that Kentucky had been enjoying peace until Lincoln's commissioned officers had begun to organize Federal troops and bring arms into the state. He could see no dangers in Kentucky that required the presence of these troops, and he respectfully asked that they be removed.[122] Lincoln answered a few days later, admitting the charges but declaring that the troops were native Kentuckians, called for by numerous Union men in Kentucky, and that they were molesting no good people in the state. He stated that he did not believe that it was the popular wish of Kentucky that they be removed and that

[118] *Holt MSS.*, XXVIII, 3809 *et seq.*

[119] "Correspondence of Toombs, Stephens, and Cobb" in *Annual Report of American Historical Association*, 1911, II, 570. Toombs to Stephens, June 8, 1861.

[120] *Crittenden MSS.*, XXVI, 5347, 5348. Even Garret Davis admitted that Federal troops were "producing much discontent among our own friends." *Ibid.*, 5350. Aug. 11, 1861.

[121] *Ibid.*, 5353-5356. Aug. 16, 1861. As a matter of fact one of the important considerations in ordering the encampment to be set up was to recruit Tennessee troops; and many of them were received. *Cincinnati Commercial*, Aug. 23, 1861.

[122] *Rebellion Record*, III, 29, 30 (doc.); Collins, *Kentucky*, I, 92.

Magoffin and his commissioners were the only ones who had asked him to remove them, adding that he, too, wished "to preserve the peace of my own native state, Kentucky." He refused to remove the troops and closed with the remark: "It is with regret that I search and cannot find in your not very short letter, any declaration or intimation that you entertain any desire for the preservation of the Federal Union."[123]

Shortly after sending his representatives to Lincoln, Magoffin asked Jefferson Davis what the attitude of the Confederacy was toward Kentucky's neutrality at that time. He disclaimed having any reasons for fearing an invasion from that quarter, but he would like to be reassured concerning the presence of Confederate troops on the southern border.[124] Davis soon replied and stated that he had no intention of interfering with Kentucky's affairs, and explained that the troops were on the southern border solely as a protection against an invasion by Federal troops. But he significantly added that "neutrality, to be entitled to respect, must be strictly maintained between both parties."[125] This contrast, so strikingly brought out at this time between the attitudes of the Federal government and of the Confederacy on neutrality, Magoffin no doubt thought would help the cause of the latter.

In the meantime the Confederates had been pursuing outwardly a course of strict recognition of Kentucky's position, albeit at the same time they were in secret communication with the governor and other state officials. Immediately upon the announcement of Kentucky's neutrality, the Confederacy had withdrawn its recruiting agents[126] and depended on the spontaneous enthusiasm of Kentuckians to lead them into the Southern camps. In early July, Camp Boone was established on the southern border in Tennessee, and this now became the mecca for Kentucky volunteers.[127] Here the famous "Orphan Brigade" and other groups that made themselves renowned in Confederate annals were organ-

[123] Speed, *Union Cause in Kentucky,* 134, 135; *Louisville Journal,* Sept. 6, 1861.

[124] *Official Records,* ser. I, vol. 4, p. 378; *Rebellion Record,* III, 30, 31 (doc.). Letter dated August 24, 1861.

[125] *Ibid.,* pp. 396, 397; *Rebellion Record,* III, 31 (doc.). George W. Johnson was the commissioner sent to Davis. Collins, *Kentucky,* I, 92.

[126] *Official Records,* ser. I, vol. 52, part 2, pp. 106, 107.

[127] This camp was located in Montgomery County near the Louisville and Memphis Railroad. A little later Camp Burnett was laid out three miles to the southward. E. P. Thompson, *History of the First Kentucky Brigade* (Cincinnati, 1868).

ized and trained.[128] A few days after the camp had been set up, twenty companies of Kentuckians arrived and the commandant begged Secretary of War Walker "to receive all Kentucky troops that offer, as we not only get good men, but ultimately secure Kentucky to the South."[129] By the 25th of July, fifty companies had made application to be received, and it was reported that within forty to sixty days, 10,000 men could be raised;[130] in fact, "If the President will receive them, we can get a company from almost every county in the State," wrote one Confederate enthusiast.[131]

So great were the numbers of Kentuckians arriving that the Confederate Secretary of War began to doubt the wisdom of accepting more on account of the lack of arms. The Kentuckians, themselves, soon began to solve this problem by seizing arms wherever they could find them in the state and carrying them out to Camp Boone. Many expected to be accepted if they could show any sort of weapon in their possession, however antiquated it might be. Arms intended for Home Guards were especial objects for would-be Confederate soldiers, and many of the "Lincoln Guns" were seized. The Confederate authorities were immediately confronted with the question of the advisability of keeping arms thus brought to Camp Boone. The Kentucky authorities protested against some of the seizures and demanded that the arms be returned to the state.[132] The Confederacy decided to refuse those arms which belonged to the state of Kentucky; but others "should be retained and used, preserving an inventory and valuation."[133]

The battle of Manassas (July 21st), in which a number of Kentuckians took part, had an electrical effect on the state.[134] According to a contemporary, "The day the battle was fought I was at Frankfort, Kentucky, and it was a day long to be remembered. The young men almost went wild; and I heard, as the Con-

[128] *Confederate Military History,* edited by Clement A. Evans, (Atlanta, 1889), 33 *et seq.;* Henry George, *History of the 3d, 7th, 8th, and 12th Kentucky C S A* (Louisville, 1911), 19; Collins, *Kentucky,* I. 91.

[129] *Official Records,* ser. I, vol. 4, p. 367. W. T. Withers to Walker, July 12, 1861.

[130] *Ibid.,* 374.

[131] *Ibid.,* 379.

[132] *Ibid.,* p. 371. T. B. Monroe, Kentucky Secretary of State, to W. T. Withers, July 19, 1861.

[133] *Ibid.,* 378. C. S. A. War Department to W. T. Withers, July 31, 1861. See also *ibid.,* 373. W. T. Withers to L. P. Walker, July 24, 1861.

[134] *Ibid.,* vol. 51, part 2, p. 189.

federate flag was waved through the streets, such expressions as this, 'we'll follow that flag, and cheer it even in hell!' Older men read the account of that battle with tears streaming from their eyes; they loved their country, and they took a more serious view of what was before them."[135] This battle showed that war had come and that is would be fought on a mighty scale. The Confederacy now began to accept all troops offered from Kentucky[136]; and on August 30th the Confederate Congress passed a law providing for the establishment of recruiting stations within the state itself.[137] On the same day, it passed a secret act providing for the appropriation of $1,000,000 to be spent under the direction of the President "to aid the people of Kentucky in repelling any invasion or occupation of their soil by the armed forces of the United States."[138]

This extraordinary action showed the importance the Confederacy attached to Kentucky and was proof that the days of Kentucky neutrality were numbered. The danger spot was in the southwestern part of the state, on the Mississippi, where an intolerable situation had grown up. The strategic route to the heart of the South lay here, and the forces that should occupy these Kentucky points would hold a decided advantage over their opponents. Columbus controlled the Mississippi, and Paducah and Smithland barred the mouths of the Tennessee and Cumberland rivers, respectively. The citizens of this region had early shown their Southern sympathies by inviting President Davis to occupy Columbus and seize Cairo.[139] This invitation had been extended as far back as April 22nd; on the following day Illinois troops had occupied Cairo.[140]

General Pillow, who was in command of Confederate troops on the Mississippi, soon came to have an obsession for occupying Columbus. In the middle of May he asked Magoffin for permission, and expecting a refusal, he resolved to go ahead on his own responsibility.[141] He was finally dissuaded by Buckner, who went

[135] J. F. Cook, *Old Kentucky* (New York, 1908), 175.
[136] *Official Records,* ser. IV, vol. 1, p. 536. Aug. 8, 1861.
[137] *Ibid.,* 585.
[138] *Ibid.,* ser. I, vol. 52, part 2, pp. 604, 605; Richardson, *Messages and Papers of the Confederacy,* I, 128, 129.
[139] *Official Records,* ser. I, vol. 52, part 2, pp. 61, 62, 94. In Paducah so strong were the Southern sympathizers in the Presbyterian Church that only ten out of a congregation of one hundred and fifty could be found to support the Union. *Breckinridge MSS.,* 1861. A. B. McElroy to R. J. Breckinridge, June 12, 1861.
[140] *Official Records,* ser. I, vol. 52, part 2, p. 66.
[141] *Ibid.,* pp. 100, 101. May 16, 1861.

to Union City, Tennessee, to impress upon him the seriousness of the move.[142] Realizing the dangerous situation in this region, Magoffin sent six companies here to maintain the state's neutrality.[143] For a time a movement was on foot to fortify Paducah against the Federals in Cairo, who had assumed a threatening attitude, but it failed.[144]

The threat of Northern troops to secure these strategic points was the cause of the restless activity of the Confederates. From Cairo the Federals not only controlled the river commerce, but they also made forays across into Kentucky. In early June they crossed over and dispersed a camp of Kentuckians at Ellicott's Mills;[145] and a little later they threatened to carry out an invasion in force against the state to better watch the enemy in Tennessee, observing that neutrality "would go up" after the August elections.[146] On August 22nd, a Federal gunboat steamed into Paducah and cut loose from the docks a boat which it was claimed belonged to the Confederates.[147]

Governor Morton, of Indiana, was greatly interested in the situation across the Ohio. In the latter part of August he declared that "Civil war in Kentucky is inevitable," and urged the Federal Government "not to lose a moment in preparing for the crisis in Kentucky." He would have large forces collected at Evansville to throw into Louisville "that they may be used in interior Kentucky."[148] Jere T. Boyle and John J. Speed, Kentucky Unionists, called on Lincoln to send troops to the north bank of the river to be ready for any emergency.[149] On September 2nd, Morton promised to dispatch forces to Kentucky,[150] remarking, "If we lose Kentucky now, God help us."[151]

The situation had now become acute, with each force edging closer to the coveted prize and preparing to spring upon it. General Leonidas Polk, who was in supreme command of the Con-

[142] *Rebellion Record,* II, 164 (doc.)

[143] *Ibid.,* 164; Collins, *Kentucky,* I, 92.

[144] *Rebellion Record,* I, 194, 195, 329 (doc.)

[145] *Ibid.,* I, 94, 95. June 8, 1861.

[146] *Official Records,* ser. I, vol. 4, 381. C. Wickliffe to Polk, Aug. 6, 1861.

[147] *Ibid.,* 177, 178. Citizens of Paducah retaliated by seizing a boat belonging to citizens of Evansville, Indiana.

[148] *Ibid.,* p. 255. Morton to T. A. Scott, Aug. 29, 1861.

[149] *Ibid.,* 256. Sept. 2, 1861.

[150] Battle, Perrin, and Kniffin, *Kentucky,* 363.

[151] *Official Records,* ser. I, vol. 4, p. 256. Morton to T. A. Scott, Sept, 2, 1861.

federate forces on the southwestern border, on September 1st asked Magoffin what the real intentions of the Southern Party in Kentucky were. "I think it is of the greatest consequence," he said, "to the Southern cause in Kentucky or elsewhere that I should be ahead of the enemy in occupying Columbus and Paducah."[152] On August 28th General Frémont put Ulysses S. Grant in command of forces in southeast Missouri, and stated that it was his intention to occupy Columbus. On September 2nd the Federals occupied Belmont, across the river from Columbus, preparatory to seizing the Kentucky town.[153] Polk now decided to act immediately; he ordered Pillow to move up the river from New Madrid and occupy Columbus. Pillow proceeded as far as Hickman where he decided to land "in consequence of the armed position of the enemy, who had posted himself with cannon and entrenchments opposite Columbus."[154] The following day he seized the coveted prize and the struggle for western Kentucky was now on. On the next day Grant occupied Paducah, where he seized a large amount of supplies and a number of boats.[155] Louisville was now made Federal headquarters for Kentucky,[156] and a call for volunteers went out.[157]

The Confederates' entry into Kentucky was received with mingled feelings. The people of Columbus, who had been so long begging them to come and who had been keeping them posted on the Federal movements around Cairo,[158] were overjoyed to see their deliverers coming. They recounted to Polk how the Federals had been threatening the city with two gunboats, how they had "witnessed the inhuman and fiendish act of bombs hurled into our town, bursting near a private residence, and in the very midst almost of shrieking affrighted women," how a company of citizens drilling near Columbus had been dispersed by two hundred Federals from Cairo, and how a Confederate flag had been

[152] *Official Records,* ser. I, vol. 4, p. 179.

[153] W. M. Polk, *Leonidas Polk* (New York, 1915), II, 19. In a dispatch to Lorenzo Thomas on August 25th, Frémont said conditions were such as to involve the Kentucky shores in military operations. *Official Records,* ser. I, vol. 4, p. 177.

[154] *Ibid.,* 180. Polk to I. G. Harris, Sept. 4, 1861. In the various river operations around here, the Confederates had armed a steamer with railroad irons and had used it with good effect. This is among the first instances of iron-clad vessels. *Rebellion Record,* II, 64, 65.

[155] *Ibid.,* III, 67-69.

[156] *Official Records,* ser. I, vol. 4, p. 257. Sept. 7, 1861.

[157] *Rebellion Record,* III, 119, 120 (doc.)

[158] *Official Records,* ser. I, vol. 4, p. 383, *passim.*

torn down and desecrated by a crew from a United States gunboat.[159]

The Confederate authorities, themselves, were not agreed on the wisdom of Polk's actions. Secretary of War Walker opposed the move from the beginning. On hearing of Pillow's occupation of Hickman he instructed Polk to order his "prompt withdrawal from Kentucky,"[160] and asked for an explanation of the movement.[161] Polk informed President Davis that Federal soldiers had seated themselves "with cannon and entrenched lines opposite the town of Columbus, Ky., making such demonstrations as left no doubt upon the minds of any of their intention to seize and forcibly possess said town." He, therefore, decided to give the protection asked for by the citizens and also "to prevent in time the occupation by the enemy of a point so necessary to the security of Western Tennessee."[162] Davis agreed that necessity justified the action,[163] and later explained to the Confederate Congress that the step "was justified not only by the necessities of self-defense on the part of the Confederate States, but also by a desire to aid the people of Kentucky."[164]

Governor Harris, of Tennessee, was much upset over the occupation. He declared that it was "unfortunate as the President and myself are pledged to respect the neutrality of Kentucky." He hoped the troops would "be withdrawn instantly, unless their presence there is an absolute necessity."[165] He informed Davis that he thought the movement was "unfortunate; [and] calculated to injure our cause in the State";[166] but he admitted that military necessity must precede political expediency.[167]

The Kentucky state authorities opposed the occupation; but different officials did so for varying reasons. Polk defended his action in a letter to Magoffin on September 8th, but agreed to with-

[159] *Official Records,* ser. I, vol. 4, pp. 181-184. G. C. Taylor and others to Polk, Sept. 5, 1861.

[160] *Ibid.,* 180. Walker to Polk, Sept. 4, 1861.

[161] *Ibid.,* 181, *et seq.*

[162] *Ibid.,* 181. Polk believed that his entry into Kentucky had been too long postponed. "Kentucky," he said, "was fast melting away under the influence of the Lincoln Government." *Ibid.,* 191. Polk to Davis, Sept. 14, 1861.

[163] *Ibid.,* p. 181. Sept. 4, 1861.

[164] Richardson, *Messages and Papers of the Confederacy,* I, 137. Message to Congress, Nov. 18, 1861.

[165] *Official Records,* ser. I, vol. 4, p. 180. Harris to Polk, Sept. 4, 1861. He sent three commissioners on September 4th to see Magoffin to explain Tennessee's position and to express the hope that the Confederates would withdraw. *Ibid.,* 189, 190. Harris to Davis, Sept. 13, 1861.

[166] *Ibid.,* 189. Sept. 5, 1861.

[167] *Ibid.,* 188.

draw if the Federal troops would leave the state and promise not to occupy any part of it in the future.[168] A special committee of the legislature, which had convened on September 2nd, notified Polk that "the people of Kentucky are profoundly astonished" at the Confederate movement, that they had hoped "that one place at least in this great nation might remain uninvaded by passion," and that they expected him to withdraw immediately.[169] In his answer Polk recited a long list of prior violations of Kentucky's neutrality by the Federal forces, declared that "We are here, therefore, not by choice but by necessity," and repeated his promise to withdraw if the Federals would.[170] Buckner was anxious for the Confederates to withdraw, for he believed that it was a great political blunder. He informed the Confederate authorities that if they would order a withdrawal, he could "rally thousands of neutrality Union men to expel the Federals."[171] But there were others who saw nothing but the inevitable in Polk's actions. "Who did not know," exclaimed the *Kentucky Yeoman,* "that the establishment of camps in our State by one of the belligerent powers, would necessarily lead to the seizure of strategic points by the other? . . . If Kentucky suffers one of the belligerents to occupy our soil, she cannot expect the others to keep off."[172]

Just as Federal operations on the northwestern border brought about a situation which led to the occupation of Columbus by the Confederates, so the establishing of Camp Dick Robinson and other Federal activities in the southwestern part of the state led to counter-measures by the Confederates in that quarter. Soon after Columbus had been occupied, General Zollicoffer moved from eastern Tennessee into the Cumberland Gap region and entered eastern Kentucky, to prevent strategic points there from falling into the hands of the Federals.[173] It had been inevitable from the day war was assured that the North and South would clash in Kentucky and that neutrality would restrain them little when the time came to strike.

[168] *Official Records,* ser. I, vol. IV, 185.

[169] *Ibid.,* pp. 185, 186; Polk, *Leonidas Polk,* II, 22, 23.

[170] *Official Records,* ser. I, vol. 4, p. 186, 187. Sept. 9, 1861; Polk, *Leonidas Polk,* II, 23-26. For another list of violations see *Louisville Courier,* Aug. 27, 1861.

[171] *Official Records,* ser. I, vol. 4, pp. 189, 190. Buckner to S. Cooper, Sept. 13, 1861. John L. Helm and others thought that Polk's entry was a great mistake, as it would arouse the state against the Confederates as hated invaders. *Ibid.,* 192. Sept. 13, 1861.

[172] Sept. 10, 1861.

[173] *Official Records,* ser. I, vol. 4, p. 399. Zollicoffer agreed to withdraw if the troops menacing him would agree to depart from the state. *Ibid.,* 190.

CHAPTER VI

NEUTRALITY ABANDONED

Neutrality was a delusion and a snare; it had been respected by neither the North nor the South. There was now great perturbation and searching of hearts as to what course of action the state should follow. The question of who first invaded Kentucky's neutrality could not be easily answered; for the whole situation was filled with complications and uncertainties. The day of indecision and inaction was gone; now a choice had to be made. Nothing had happened since the popular referendum had been taken to indicate that the people had fundamentally changed their position. It required less abrupt change to assume fully the attitude of participation in national affairs than violently to break every bond of union and join the Confederacy. The inertia of compromise and Unionism was too strong to be overcome.

But at the very time of the greatest crisis in the state's history, an ominous shock was dealt the people, which for a time unloosed almost any possibility. On August 30th General Frémont issued a proclamation confiscating the property of all persons in Missouri arrayed in opposition to the Federal government and liberating their slaves. This was the most stupendous blunder any officer connected with the Federal government could have made; it sent a chill through the most ardent Kentucky Unionists and made them feel that all they had so far accomplished was now lost. Garret Davis declared that it had "the effect of a bombshell . . . and has greatly disconcerted & I fear has scattered us."[1] Despondency now crept over him for the first time. A Louisville Unionist declared that "we could stand several defeats like that at Bull Run better than we can this proclamation, if indorsed by the administration." He called on Joseph Holt, "for heaven's sake" to use any influence he had to have the proclamation withdrawn.[2] Another Unionist said "there is no telling what will be the result if it is not disavowed by the administration." He believed that

[1] "Diary and Correspondence of Salmon P. Chase," *op. cit.*, 502, 503. Davis to Chase, Sept. 3, 1861.

[2] *Holt MSS.*, XXX, 3954. J. F. Speed to Holt. Holt advised Lincoln to recall the proclamation. *Rebellion Record,* III, 126, 127 (doc.).

"the hopes of our best, most talented and sanguine Union men seems now almost destroyed."[3] George D. Prentice declared in his *Journal,* one of the most powerful forces for the Union in the state, that the proclamation was "dangerous and odious, and should, and, we trust, will, be promptly repudiated by the Government."[4]

It played right into the hands of the Southern sympathizers, who had long been arguing that the Federal Government was bent on destroying slavery. The pro-Southern *Courier* called on Kentucky and Missouri to act: *"Let them be ready, we repeat, for like a thief in the night the spoiler comes, and today or tomorrow or next day he may be in our midst, our presses may be silenced, and our citizens sent off to share the fate of hundreds of political prisoners who now fill the cells of Fort Lafayette. . . .* Remember Missouri, Kentuckians, and be ready."[5]

Lincoln needed no prompting to make him see the fearful effect of this proclamation. He immediately informed Frémont that he should withdraw it as it would alarm Southern Unionists "and perhaps ruin our rather fair prospects for Kentucky."[6] Frémont was headstrong and obdurate, and so Lincoln on September 11th set aside its objectionable features and thereby struck a mighty blow in saving Kentucky for the Union. The legislature later thanked him,[7] and a Louisville Unionist declared, "The President handled that matter with an honesty of purpose, and a good sense that I have never seen surpassed."[8] Lincoln later remarked that "The Kentucky legislature would not budge till that proclamation was modified; and General

[3] *Holt MSS.,* XXX, 3955. E. T. Bainbridge to Holt, Sept. 10, 1861. See also *Cincinnati Commercial,* Sept. 3, 1861.

[4] Sept. 3, 1861. The *Kentucky Yeoman* declared, "If the monstrous outrages proposed in Frémont's proclamation be submitted to, the people may make up their minds to submit to the utter destruction of every civil right." Sept. 3, 1861.

[5] Sept. 2, 1861.

[6] John G. Nicolay and John Hay, *Complete Works of Abraham Lincoln,* VI, 350, 351. Sept. 2, 1861.

[7] *Rebellion Record,* III, 117 (diary).

[8] *Holt MSS.,* XXX, 3986a. T. S. Bell to Holt, Sept. 19, 1861. Lincoln was not without his Northern critics, of the most bitter and malignant character. One of them warned: "Let Mr. Lincoln, while he is conciliating the contemptible State of Kentucky, a State which ought to have been coerced long ago, bear in mind that the Free States may want a little conciliation, that they are not wasting their substance to secure the niggers of traitors, but are in war, redhanded war, wherein the same law which takes their enemies' lives, does not stop to secure his slaves to his children." "Diary and Correspondence of Chase," *op. cit.* 504. G. Hoadley to Chase, Sept. 18, 1861.

Anderson telegraphed me that on the news of General Frémont having actually issued deeds of manumission, a whole company of our volunteers threw down their arms and disbanded."[9]

The last concerted effort of the Southern sympathizers to keep Kentucky from aiding the Union was in a so-called Peace or State Rights Convention, held in Frankfort on September 10th, coincident with the meeting of the legislature. Considerable peace activity expressed in county meetings had directly preceded this convention. A "Peace and Anti-War Tax Pic-Nic" had been held at Richmond[10] and a peace meeting with a rather peculiar program had taken place in Louisville. So passionately desirous of peace were its members that they attempted to force it upon the state by the hypnotic suggestion of symbols. They resolved to wear a white rosette or ribbon and to raise white flags all over the state with the word, "Peace" written upon them. They would urge the officials of every county, city, town, and precinct to enter into the movement and they would call on all the people to raise peace flags on their homes, and to fly them from steamboats, trains, and all vehicles on the highways.[11] Aided by the sentiment fostered by these various meetings, the Frankfort convention met with representatives from seventy counties. It declared that the state was being forced into an unnatural war, and it called upon the people to preserve a strict neutrality. It called upon the Federal authorities to disband their camps and depart; and it promised that if the Confederate troops did not then retreat the state would drive them out. It showed its Southern sympathies by condemning the Federal government for its war-provoking course and by bitterly denouncing Frémont's attempt to interfere with slavery in Missouri.[12] Before adjourning it appointed a committee "to carry out the purposes of this convention," and conferred upon them "full powers for that object." This was in reality an attempt to hold together the old organization of the Southern sympathizers in the face of the impending conflict.[13]

[9] Nicolay and Hay, *Works of Lincoln*, VI, 357, 361. Lincoln to O. H. Browning Sept. 22, 1861.

[10] *Breckinridge MSS.*, 1861. A circular notice of this meeting, held on August 17th, is preserved here.

[11] *Rebellion Records*, II, 532 (doc.) Meeting held August 17th.

[12] *Congressional Globe*, 37 cong., 2 sess. (1861-2), part 2, pp. 1214, 1215. The *Kentucky Yeoman* lent its support strongly to this movement. See issue of Sept. 11, 1861.

[13] It is interesting to note here that some of the principal members of this committee were later to be the prime movers in the organization of the Provisional government of Kentucky. Among the members of this committee

But the Peace Convention was doomed to failure, if its only purpose was preserving the peace; for, indeed, there was now no peace in Kentucky whether she willed it or not. Confederates and Federals had already for a week been maneuvering into positions that would inevitably lead to the transformation of the state into a battlefield. Immediately upon the meeting of the legislature it was confronted with the bleak fact that neutrality was already a vain thing and a mockery. On the 9th of September a resolution was introduced in the senate calling upon the Confederates to withdraw and asking the Federals for aid;[14] and two days later the legislature adopted a resolution requiring Governor Magoffin to issue a proclamation demanding the immediate and unconditional withdrawal of the Confederates.[15] Governor Magoffin vetoed this resolution on the ground that it was against the policy of neutrality; the state should require both forces to withdraw. A substitute resolution embodying this demand was decisively defeated, and the original resolution was passed over his veto. Thereupon he yielded to what he considered to be his legal duty, although it meant to him a treacherous breach of the understanding between the parties, and he issued his proclamation by merely quoting the language of the resolution.[16]

This action of Kentucky was, of course, a complete and outright abandonment of her much-talked-of neutrality, and it clearly indicated the course the legislature intended to follow. It remained only for the state to declare officially that it had cast aside its neutrality and that it would stand by the Union against the South. This the legislature did on the 18th of September. Reciting the fact that the Confederates had invaded the state and "had insolently prescribed the conditions" under which they would withdraw, Kentucky called for their expulsion, and appointed General Robert Anderson, of Fort Sumter fame and a native Kentuckian, "to take instant command" of the state volunteers whom he was given authority to raise. The governor was requested to call out all the military force of the state necessary and place it under the command of Thomas L. Crittenden. The patriotism of all Kentuckians was invoked for the defense of the

were George W. Johnson, Richard Hawes, William Preston, Lucius Desha and Thomas P. Porter. The Union party later charged that this was a secret military conspiracy. *Congressional Globe,* 37 cong., 2 sess., appendix, 78.

[14] *Rebellion Record,* III, 120, 121, 129 (doc.)

[15] Collins, *Kentucky,* I, 93. It passed the house 71 to 26, and the senate 25 to 8.

[16] *Louisville Journal,* Sept. 16, 1861.

commonwealth.[17] Governor Magoffin, feeling doubly outraged by these resolutions, vetoed them on the ground of their unconstitutionality especially as they took away his rights as commander-in-chief of the militia.[18]

Neutrality was now definitely at an end, inexplicable as it had been and was long destined to be to outsiders, and increasingly impossible as it had come to be to Kentuckians themselves. It was unquestionably a welcomed relief to the strong Union element. According to a Louisvillian it "died here last Tuesday night, so suddenly that a coroner would be justified in issuing a writ of inquiry to ascertain whether it was a case of suicide."[19] Prentice in his *Journal* also breathed a sigh of relief: "Well, thank God, we at last have weighed anchor, and set out for the haven of safety and of honor. Now, let all possible sail be spread, and the noble ship of state be driven into the lines of her insolent foe with the whole might of the valor and devotion of her true men."[20]

As has been previously stated, neutrality was a natural and logical growth, and in the beginning it had been tenderly nurtured and developed by the Union men. It played into their hands, as it was a substitute for secession. Robert J. Breckinridge, the staunch Unionist, talked it in early January of 1861; and in the Douglas and Bell party conventions on the 8th of the same month, it was put forward as the policy the state should follow. However, as previously noted, there was a small group of radical Union men, headed by Joseph Holt, who refused to bow the knee to neutrality. Attacking it gently at first,[21] they soon boldly declared it to be the work of scheming politicians.[22] A Kentuckian speaking in Massachusetts in April gave a true prophesy of what his state would ultimately do. "Though she appears to be neutral," he said, "she will not long remain so. When the day of trial comes, Kentucky will stand by the flag, and will sustain the government."[23]

Neutrality was pre-eminently a growth in the consciousness of Kentuckians, and their attitudes toward it were constantly

[17] *Official Records,* ser. I, vol. 4, pp. 288, 289; Collins *Kentucky,* I, 93, 94. These resolutions were carried by substantial majorities.

[18] *Annual Cyclopædia,* 1861, p. 401; *Crisis,* Sept. 19, 1861.

[19] *Holt MSS.,* XXX, 3986. T. S. Bell to Holt, Sept. 19, 1861.

[20] Sept. 19, 1861.

[21] *Letter from Joseph Holt to J. F. Speed, May 31, 1861* (Washington, 1861). Pamphlet. Also quoted in *Cincinnati Gazette,* June 11, 1861.

[22] *Address of Joseph Holt to the People of Kentucky, July 13, 1861.*

[23] Coleman, *Crittenden,* II, 319. A. A. Lawrence to Crittenden, April 22, 1861.

undergoing changes.[24] The Union leaders came to regard it and to use it more and more as a means for educating the masses of people to a full-fledged support of the Union. It was in fact a sort of refuge until the very exigencies of the times, they believed, would force the state to take sides with the Union. Garret Davis expressed the idea in a speech in the United States Senate in 1862, when he said, "The popular mind of the State of Kentucky had to be educated against all their sympathies, all their interests, all their business connections, and against the feelings and sympathies of their brethren in the South, before they could be induced to take position in favor of the Union. . . ."[25]

To the Southern sympathizers neutrality had a different meaning, and its abandonment was bitterly condemned. To begin with, they had not favored the idea; secession was their program, and they came much nearer to fulfilling it before neutrality was officially adopted than at any time afterwards. Before the minds of the people were anchored to any fixed program, there was great probability of a secession convention being called; but the staying force at this time was the fact that none of the surrounding Southern states had seceded, and it would have appeared sheer madness for Kentucky to isolate herself from the Confederacy, on the hostile Northern frontier.[26] With the passing of time, it became increasingly evident to the mass of the Southern Rights Party that it would be impossible to call a secession convention; it now became their best policy to agree with neutrality and to use it to their advantage wherever possible. Magoffin boldly took up neutrality and issued his proclamation warning all comers to respect it, and the Southern sympathizers, thus in possession of the executive branch of the government, began to lay plans to arm the state in order that its neutrality might be more than an empty name. For though this force might never be turned to the aid of the South (something that time alone could reveal), it would

[24] The following quotation from a letter from A. B. McElroy to R. J. Breckinridge, June 12, 1861, is typical of the feeling of many people that neutrality was not a permanent policy: "In the present distressing state of affairs in our beloved country, I feel constrained to write you what can and *ought* to be done to save the best Government on earth from utter ruin." *Breckinridge MSS.*, 1861.

[25] *Congressional Globe*, 37 cong., 2 sess. (1861-2), part 2, p. 1210.

[26] Kentucky was not unmindful of Virginia's leadership; Virginia was burned deep into her character and consciousness. Half of the governors of the state before 1863 had been Virginians and of the seven born in the state, all except one were of Virginia parentage. Virginia was yet in the Union at this crucial time. See Ben. F. Stevenson, *Kentucky Neutrality in 1861* (Cincinnati, 1886). Pamphlet.

be, nevertheless, serving the Confederacy, for a powerful neutral Kentucky would effectively block seven hundred miles of open frontier, and relieve the Confederacy of a chief task in the Mississippi Valley. But the Union men were not disposed to let a Southern Rights governor build up a mighty army and control it. So "armed neutrality" as it was often called, aided one side about as much as the other.[27]

Thus was neutrality for a time little more than a game between the leaders of the two parties, each maneuvering for advantage. But in viewing these special purposes and plans of the scheming leaders, it should not be lost sight of that one of the greatest fundamental urges producing neutrality was the desire to act as a peacemaker, and that the inability of the state to make up its mind and the fear of Northern hordes overrunning the state were also important elements in the situation.

Just as there were Union leaders who always opposed neutrality, there were also Southern Rights leaders who never came to agree with it. Each, of course, had opposite purposes. J. O. Harrison, a representative of the latter, declared that neutrality was a serious mistake. Kentucky should join the South as soon as possible, for the North was bent on an anti-slavery crusade and because "Whenever peace shall come, the North will have an account to settle with Ky—It will say we called upon you in the name of the Union, the constitution & the Laws for help & you insultingly refused it—we sent our sons to the battle fields & you kept yours at home—we spent our money like water & you held on to yours—we fought the South—you supplied it with Provisions & now we must settle etc. etc."[28]

The great mass of Southern sympathizers who had not left the state to join the Confederacy by late summer of 1861 were strongly in favor of maintaining neutrality; and there was a strong and widespread undercurrent of opinion which put the Union before the Confederacy and yet demanded the maintainance of neutrality. Judge Joseph R. Underwood declared that since the state had taken this position it was "bound in honor to maintain it." If Kentucky should aid the Federal government,

[27] In some supposed correspondence between Jefferson Davis and Magoffin (in the *Cincinnati Gazette*) the latter is made to say on May 25th, "Neutrality is the best we can do until the turn of events gives us a favorable opening, which we shall keep a sharp look-out for," *Rebellion Record*, I, 126 (poetry and incidents.)

[28] *Breckinridge MSS.*, 1861. Harrison to W. C. P. Breckinridge, June 9, 1861.

he believed the state would be advertising itself before the world as "oscillating, undecisive, and timid."[29] Paul Shipman declared that "Neutrality was the covering which the larva of Kentucky Unionism spun for its protection";[30] and John C. Breckinridge, though opposed to the adoption of neutrality, held that Kentucky had the right to assume such a policy, since secession had in fact destroyed the Union, and the state might, therefore, pursue whatever course she pleased. The legislature, he maintained, had been elected to preserve neutrality and only a sovereign convention could abandon it.[31] Senator Lazarus W. Powell declared that the true neutrality men had been in earnest and that they had no other motive than to save the state from war and to act as peacemakers.[32]

There can be little doubt that the legislature in abandoning neutrality did not represent the popular will, however expedient the action might have been; a referendum would unquestionably have called for delay.[33] It was not a case of wanting to fight for the Confederates so much as a dislike for fighting against them. But after the decision was made, it was only natural that the Southern sympathizers alone should boldly condemn the change. By them it was considered a base betrayal of the people, who had elected the legislature for the direct purpose of maintaining neutrality.[34] The radically Southern *Louisville Courier* pronounced "the assumption of any authority over Kentucky by the Lincoln Government or by the present Legislature under it, as a usurpation, and revolutionary, and which no citizen of Kentucky is bound to obey."[35]

That Kentucky sooner or later would have abandoned her neutrality, as has been previously suggested, was inevitable; and it is of little value to chase the mythical will-o'-the-wisp of guilt for the first breach of that neutrality. Both sides had been in the

[29] Letter written June 6, 1861, reprinted in *Congressional Globe,* 37 cong., 2 sess., appendix, 76.

[30] Quoted in Mary Scrugham, *Peaceable Americans,* 116.

[31] Speech delivered October 8th. *Rebellion Record,* III, 256, 258 (doc.)

[32] *Congressional Globe,* 37 cong., 2 sess., appendix, 72. See also *ibid.,* 37 cong., 1 sess., 109.

[33] This statement is made in the belief that the inertia of the people that had led them strongly to support neutrality, would have prevented them from sanctioning its abandonment at this time, a course which was in fact a declaration of war against the Confederacy.

[34] See *Kentucky Yeoman,* Sept. 27, 1861.

[35] Quoted in *Louisville Journal,* Sept. 19, 1861. See also *Louisville Courier,* Feb. 11, 1862, quoted in Speed, *Union Cause in Kentucky,* 5, 6. The *Courier* had changed its position from bitter opposition to neutrality in the beginning to strong support for it toward the end. See *Courier,* August, 1861.

process of breaking it almost from the day it was assumed; and in reality Polk's invasion represented in no way a deeper guilt of the Confederates in the movement than a long line of encroachments by the Federals implicated themselves. But Polk's action represented a spectacular move which reacted against the Confederates, showed the legislature the folly of a policy that neither side respected, and led it to declare neutrality at an end. The legislature later, in a resolution arguing illogically from the standpoint of the neutrality theory, explained its action. It assumed that the Federal government had the constitutional right to occupy Kentucky for its defense and that such action "neither compromises our assumed neutrality nor gives the right to the Confederate forces to invade our State, on the assumption that our neutrality has been violated."[36] That the legislature should lend the support of the state to the Union was wholly in keeping with Kentucky's past. An equally potent force was the unprotected frontier of the Ohio, where tens of thousands of Federal troops awaited only the decision of Kentucky whether they should enter the state as friends or enemies.[37] She chose them as friends, but later changed her mind that they were such.

The day of action had at last arrived, welcomed by some and deplored by many. The Stars and Stripes and the Stars and Bars were hoisted on many a flagpole throughout the state, with nearly every town and village boasting both.[38] The cause of the South represented distinctly romance and adventure, and its appeal to the young and the intrepid was almost irresistible. Many had long ago left the state to join the Confederacy and at this time were in the line of battle. James Speed wrote Holt in October, "So many of our giddy young men have gone into the Southern army, that almost every man who goes into our army, knows that he has to fight a neighbor, a relative, a brother, son or father—I have been

[36] *Acts of Kentucky,* 1861-2-3, pp. 123, 124. Dec. 2, 1861.

[37] Kentucky well appreciated the situation north of the Ohio, as described by the *Cincinnati Gazette,* September 2, 1861: "We do not hesitate to assert it as our opinion, that in ten days after a call for help from the Union men of Kentucky, thirty thousand northwestern men would cross the Ohio river to their relief, and that in a fortnight fifty thousand would go forward." Robert J. Breckinridge declared in a speech in Cincinnati on May 20, 1862 "that it was the proximity of Ohio, Indiana, and Illinois, the fidelity of the people to the latter States upon which these men depended [Union men]—of you people and the people of the other two States that saved Kentucky." He said Boyle had asked Ohio whether she could stand prepared to send 10,000 troops and the same of Indiana and Illinois, and that all replied that they could. *Cincinnati Gazette,* May 21, 1862.

[38] *Cincinnati Commercial,* Sept. 3, 1861.

astonished to find how many persons permit family ties to override their allegiance to the government."[39] A contemporary greatly overestimated the number who had gone to the Confederacy by the time the war was well started when he said, "Forty thousand men, most of them in the bloom of youth—bold, dashing, vigorous riders and raiders as ever wielded saber or leveled a lance—had already left the State to engage in rebellion."[40] Simon B. Buckner led the great majority of the State Guards to the South, when as he believed, the legislature treacherously abandoned neutrality. Courted alike by North and South, he chose the latter, with whom he had in the early days of September been in close touch.[41] Buckner was savagely set upon by the Unionists for corrupting the state's finest fighters and leading them into the enemy's camp.[42] John Morgan now secretly and at night sent his war equipment southward and rode out of Lexington with his band to engage in many brilliant exploits which frequently led him back into Kentucky.[43] Others such as William C. P. Breckinridge strained at the leash, but family pressure prevailed for a time only to lose in the end.[44]

So incisive and compelling were the feelings and emotions of the day that there were few important families which were not rudely torn asunder in the conflict. Breckinridges, Clays, Crittendens, Marshalls, Buckners, Bufords, and a hundred others were divided and arrayed against each other.[45]

[39] *Holt MSS.*, XXXI, 4072, Oct. 29, 1861. A Federal commander in 1863 referred to the Confederate volunteers as "hot-headed unreasoning young men." *Official Records,* ser. II, vol. 6, p. 197. The *Tri-Weekly Commonwealth* in referring to the troubles of one Confederate volunteer said, "This youth is but a sample of thousands who have been ruined by the fatal delusion." Oct. 30, 1861. See also *Congressional Globe,* 37 cong., 2 sess. (1861-2), appendix, part 4, p. 73.

[40] Stevenson, *Neutrality,* 20, 21.

[41] *Official Records,* ser. I, vol. 4, p. 400. Buckner was a strong advocate of neutrality. On September 12th, he said, "For one, I have alike refused office from the North and the South, because the position of my State was respected." *Rebellion Record,* III, 129 (doc.).

[42] The *Louisville Journal,* September 27, 1861, said, "Away with your pledges and assurances—with your protestations, apologies and proclamations, at once and altogether. Away parricide, away and do penance forever—be shriven or slain—away! You have less palliation than Attila—less boldness, magnanimity and nobleness than Corialanus. You are the Benedict Arnold of the day. You are the Catiline of Kentucky. Go then miscreant."

[43] Peter, *Fayette County,* 453, 454.

[44] *Breckinridge MSS.*, 1861. Various letters to and from his father, Robert J. Breckinridge.

[45] For instance the family of Robert J. Breckinridge gave two sons each to the North and the South. "In fact there is scarcely a family of prominence in the State that did not contribute soldiers to both armies." Battle, Perrin, and Kniffin, *Kentucky,* 352.

Religious dissensions over the questions of the day set in with the first signs of the rising conflict and did not reach their devastating heights until the war was at an end. The Presbyterians were most seriously disturbed, with the Methodists coming close behind.[46] The commanding position of that imperious Unionist, Robert J. Breckinridge, predestined the Presbyterians to internal turmoil unending. Stuart Robinson early exhibited Southern sympathies, and with his followers soon became the storm center.[47] In January, 1861, he suggested to Breckinridge that a minister of the Gospel ought not to mix too much in politics and added, "I cannot accept your views, in so far as they look hostile to the South or complacently upon a confederacy with Ohio."[48]

The vigorous sympathies and sentiments of the times not only cut across family and church, but they also tended to follow a geographical division clearly indicated in voting and volunteering. The fundamental basis for this was the character of the soil itself. The relation of geology to politics is plainly marked here. It was generally true that the hilly country and the thinner soil was the stronghold of Unionism, while the level land and the more fertile soil bred Southern sympathies. This form of sectionalism not only existed in a general way over the state but was reduced to the detailed topography of single counties. Todd County was an excellent exemplification of this fact. Here the hilly parts of the north were boldly arrayed in their strong Unionism against the Southern sympathizers of the rich farming lands of the south; and so intense were their feelings that they refused to let a Southern speaker be heard.[49]

The explanation of this condition is seen in the fact that richer soil meant greater wealth to the possessors with the consequent ownership of slaves, and most likely social ties with the Southern

[46] Stanton, *The Church and the Rebellion,* 201, 211, 216.

[47] Even negro churches were not without their troubles. According to the *Cincinnati Commercial,* November 13, 1861, "It seems the hydra-headed monster, Secession, raised its head among the *brethren* and bids fair to destroy the peace and harmony of the everlasting Sambos."

[48] *Breckinridge MSS.,* 1861, Jan. 24, 1861. W. H. Hill wrote Breckinridge, January 19, 1861, predicting that the church would surely split if the state did. "I feel we shall have trouble in churches as well as in state." *Ibid.*

[49] *Counties of Todd and Christian, Kentucky* (Chicago, 1884), 80, 108, 109. "Phases of life and modes of thought are thus induced which give to different communities and States characters as various as the diverse rocks that underlie them." W. H. Perrin, *History of Bourbon, Scott, Harrison, and Nicholas Counties, Kentucky* (Chicago, 1882), 21, 22.

States, and probably economic connections.[50] In 1862, a newspaper correspondent observed, "The disloyal are the wealthy classes, but the Union men are the poor, or 'white trash' as they are called by the slaveholders."[51] The same general observation was made in 1865, after the war was over, that the "poor men mostly—the laboring part of the community—shouldered their guns and by their actions said: We can conquer the South; we can whip the rebellion; we can thrash the life out of this 'Southern chivalry'—this puffed-up slave aristocracy, and we will stand by the Union of our fathers and bear aloft the banner of our country."[52]

A geographical and topographical survey of the state should, therefore, in a general way afford an index into the sympathies of the state as a whole. With the Mississippi alluvial deposits on the west the state gradually assumes a rising altitude until the hills and mountains of the east are reached. Sympathies correspond with this scheme, and the situation was so recognized by Garret Davis, who observed in 1861, "The sympathy for the South and the inclination to secession among our people is much stronger in the southwestern corner of the state than it is in any other part, and as you proceed towards the upper section of the Ohio River and our Virginia line it gradually becomes weaker, until it is almost wholly lost. . . ."[53]

The most pronounced geological formation in Kentucky is the Blue Grass region, ten thousand square miles of the richest land in the state. The wealth and leadership of the state was centered here; and here strong Unionism found its most sterile ground. An eminent Kentucky geologist and historian, Nathaniel S. Shaler, declared that this region "sent the greater part of its men of the richer families into the Confederate army, while the Union troops, though from all parts of the State, came in greatest

[50] It does not, of course, follow that all slaveholders were Southern sympathizers. There were numerous conspicuous exceptions; but the general statement is undoubtedly true.

[51] *Cincinnati Commercial*, March 29, 1862. The non-slaveholders feared for their economic existence if the state should join the South. One small farmer said that if such a happening took place, "every small farmer that is not able to have a negro will be compelled to sell his farm to a slaveholder and be a servant." Otto A. Rothert, *History of Muhlenberg County* (Louisville, 1913), 250.

[52] *Cincinnati Gazette*, May 4, 1865.

[53] *Official Records*, ser. I, vol. 2, p. 678. Davis to Geo. B. McClellan, June 8, 1861. See also *ibid.*, ser. I, vol. 52, part 2, p. 94; *Counties of Christian and Trigg, Kentucky*, 70-84.

abundance from those who dwelt on thinner soil."[54] Garret Davis bore out the same conclusion when he said in 1863, "I live in what is called the blue-grass country, and a more wealthy agricultural country does not exist anywhere. I regret to say that the heaviest defection to the Union cause is in the plains, the blue-grass region; and the greatest devotion and fidelity to it is in our mountains and hills."[55]

It should not be inferred that the Blue Grass region was a hot-bed of secession. It was not; but it had no heart for the war against the South and showed it abundantly. One of the surest proofs was its refusal to send its fighters to the Federal armies.[56] The mountain men early in the war looked upon the Blue Grass region as interested only in making money out of the conflict and furnishing the officers.[57] The *Louisville Journal* took occasion early to praise the valiant military exploits of the mountain men, but as for the Blue Grass, "we are sorry to say that the men of this rich and beautiful region of Kentucky have not rallied as they should rally to the defense of the Commonwealth."[58] Many of the Blue Grass counties furnished more soldiers to the South than to the North; notable among them were Bourbon and Scott.[59] By November 1, 1863, the former, the fifth largest slaveholding county in the state, had furnished 700 to the South and 200 to the North;[60] while the latter had furnished only 85 soldiers to the North, a little over one-half of one per cent. of the military population.[61] Fayette County, in the very heart of the Blue Grass region, with 1,558 men subject to military duty, had sent only 380 to the Union armies, and over a fourth of them were officers; whereas Pulaski County, lying to the southeast in the mountains, with a military population of 1,560, had sent more than 1,200 men into the Union armies. Twenty of the wealthiest counties, lying in the Blue Grass region and to the west, having 100,000 slaves, being almost half of all the slaves in the state, and valued at

[54] *Kentucky*, 374.

[55] *Congressional Globe*, 37 cong., 3 sess., part 1, p. 187. Speech in United States Senate, January 5th. There was long standing enmity between the Blue Grass and the mountains, beginning before the war. See *Cincinnati Gazette*, Feb. 15, 1865.

[56] Battle, Perrin, and Kniffin, *Kentucky*, 353.

[57] *Cincinnati Commercial*, Oct. 22, 1861.

[58] Oct. 26, 1861.

[59] Perrin, *History of Bourbon, Scott, Harrison, and Nicholos*, p. 82. Without compulsion the Blue Grass region would not have furnished nearly as many men to the Federal armies as it did.

[60] *Cincinnati Gazette*, March 18, 1864.

[61] *Ibid.*, May 23.

$25,500,000, had furnished only 6,000 soldiers to the Union out of a military population of 36,000. This was a little more than sixteen per cent. Forty other counties, with 27,000 slaves, valued at $8,500,000, had sent almost 18,000 soldiers to the Federal ranks out of a military population of 51,000, which amounted to over thirty-five per cent.[62] The lines along which Unionism and Southern sympathies divided, geographically and economically, could be no better exemplified than in the statistics above.

Though the period of neutrality meant to many an uncertainty so far as the state's ultimate political relations and connections were concerned, it did not indicate a slackening in the state's high financial standing. In January of 1860, stocks of the Bank of Kentucky were selling as high as 119, and a year later a dividend of 4 per cent. was paid.[63] While the paper currency of the various state banks, North and South, was running at big discounts and becoming even more unsettled with the beginning of the war, Kentucky bank notes were less than 1 per cent. under par. On August 22, 1861, the bank notes of Wisconsin and Illinois were being discounted at from 40 to 50 per cent., of Missouri 10 per cent., and of Pennsylvania 2 per cent., while Kentucky notes stood at only 3/8 per cent. discount.[64] The financial world had learned to have faith in Kentucky regardless of her position in the conflict. Thus did Kentucky enter the war in a sound position financially. Otherwise she was greatly weakened and her future was fraught with dangers that only time could reveal.

[62] Statistics from the "Annual Report of the Adjutant-General, January 1, 1864" in *Kentucky Documents*, 1863, pp. 15, 16. See also *Cincinnati Gazette*, March 18, 19, 1864.

[63] *Holt MSS.*, XXIII, 3108; XXVI, 3504.

[64] *Cincinnati Commercial*, Aug. 22, 1861.

CHAPTER VII

THE EXPULSION OF THE CONFEDERATES

As abandoning neutrality amounted to declaring war on the Confederacy, the realization began to dawn upon Kentucky that she was being suddenly thrust into the maelstrom of civil conflict, which she had so valiantly sought to escape. Although it was difficult for the people generally to accommodate themselves quickly to these new conditions, signs of enthusiasm were not wanting.[1] Louisville, whose board of aldermen had passed a resolution in early September enquiring into the loyalty of its members,[2] soon became a center of Union enthusiasm and military activities. The inpouring troops from the North were given warm welcomes, as they pitched camp or marched through the city. A week after the state had entered the war, the city was feeding from 2,000 to 3,000 soldiers every day. According to an enthusiastic Unionist, "The regiments that pass through here are unanimous in declaring that they have had a reception in Kentucky so far beyond anything they have found elsewhere, that they scarcely know what to do with themselves in the pressure of the glowing hearts and liberal hands that shower upon them substantial comforts and blessings." He added, "One Regiment a few days since drank six barrels of coffee at the Depot, but there was enough for all."[3] The same Louisvillian wrote Joseph Holt, "I wish you could have seen the uprising here last Tuesday night, when the Home Guards were called upon to go they knew not where to fight they knew not how many."[4] He anxiously prayed that the "National Government should neither give sleep to its eyes, nor slumber to its eye-lids until Kentucky is safely anchored in the harbor of the Union; until her territory is made the break-water against which the billows of treason, of robbery and every conceivable iniquity may surge in vain."[5] Word also

[1] See *Danville Quarterly Review,* IV, 390.
[2] *Rebellion Record,* III, 26 (diary).
[3] *Holt MSS.,* XXX, 4003. T. S. Bell to Holt, Sept. 25, 1861.
[4] *Ibid.,* 3986. Sept. 19, 1861.
[5] *Ibid.,* 400. To Holt, Sept. 24, 1861.

went out from the heart of the Blue Grass that there was "a strong sense of returning patriotism" there.[6]

The legislature immediately set to work to arouse the state and to place it on a war footing. It issued an address setting forth the diabolical machinations of the Confederates and calling upon the people to rise up and expel the invaders.[7] Before neutrality had been finally abandoned, private conversations with Federal commanders were bringing about military understandings;[8] and on September 23rd a resolution was passed placing "any portion of arms, accoutrements, equipments, camp equipage, baggage trains, ammunition, and military stores of state, not in use," under the control of the Federal commanders.[9]

On September 30th an act was passed giving effect to the call for volunteers made in the resolutions abandoning neutrality. Provision was made for 42,000 volunteers, 1,500 of whom should be skillful sharpshooters and 500 scouts mounted on their own horses. All were to co-operate with the Federal troops, receive the same pay, and be mustered into the Federal service as soon as possible.[10] It was made unlawful to sell or give away liquor to officers or soldiers within five miles of any military camp.[11]

The state also lined up in full accord with the national administration by providing for the payment of its part of the direct taxes laid on the states.[12] It announced in a resolution that Kentucky, standing firmly by the Union, would "resist every effort to destroy it . . . till the rebellion shall be overthrown, and the just supremacy of the National Government shall be restored and maintained everywhere within its limits."[13]

The Military Board, which had been created during the summer to prevent Governor Magoffin from using the military power of the state in aid of the South, was now reorganized, largely for the purpose of leaving Magoffin out entirely. It now assumed completely the military authority of the governor and began to spend the military funds as it deemed best. Permission

[6] *Breckinridge MSS.*, 1861. George Morrison to W. C. P. Breckinridge, Nov. 21, 1861.

[7] *Louisville Journal,* Sept. 28, 1861; *Annual Cyclopædia,* 1861, p. 402.

[8] *Official Records,* ser. I, vol. 4, pp. 256, 260. Garret Davis to Geo. H. Thomas, Sept. 16, 1861.

[9] *Acts of Kentucky,* 1861, p. 109.

[10] *Ibid.,* 13-17; *Official Records,* ser. I, vol. 4, pp. 288, 289.

[11] *Acts of Kentucky,* 1861, p. 23. Oct. 3, 1861.

[12] *Papers, Acts, and Resolutions of the Kentucky Legislature relating to the existing War Session of 1861; Cincinnati Commercial,* Sept. 19, 1861.

[13] *Annual Cyclopædia,* 1861, p. 402.

was given the Board at this time to borrow $1,000,000, and a week later $2,000,000 more was voted.[14] The whole state armament was now under its control; it could call in arms at any time, and heavily fine anyone refusing to deliver them.[15] In March, 1862, the Board was reduced to two members and was given the additional duty of caring for the sick and disabled soldiers not in the Federal service. To carry out this work, it was instructed to set up the necessary hospitals and to employ nurses and physicians.[16] By August (1862) the state's military forces had been so completely merged into the Federal establishment that the Board was abolished as no longer necessary.[17] By this time a new governor had also succeeded Magoffin, whom the legislature did not think it necessary to watch. Throughout its whole career the Board spent almost $2,500,000.[18]

Kentucky was of inestimable value to the Union cause. Besides throwing open the doors to the Confederacy in the West, it emphasized the national aspect of the Federal armies. A Federal officer considered Kentucky's action "as worth everything to the Government. It nationalizes the contest and renders either compromise or peace impossible except upon terms of submission to the national will, liberally and fairly construed."[19] Anderson immediately set to work to arouse the people and to organize an army. He had been trying to whip the Home Guards into shape when he received his appointment,[20] and three days later he issued a flaming proclamation to the people.[21] Thomas L. Crittenden set to work to construct an army out of the remnants of the State Guards, who had not followed Buckner into the Confederacy.[22] George H. Thomas, who had succeeded Nelson at Camp Dick Robinson, was training his troops preparatory to prospective operations in southeast Kentucky and East Tennessee,[23] while Nelson had set up Camp Kenton near Maysville and had issued a procla-

[14] *Acts of Kentucky,* 1861, pp. 4, 5; *Annual Cyclopædia,* 1861, p. 401.

[15] Collins, *Kentucky,* I, 98. This money was raised through loans from the Kentucky banks.

[16] *Acts of Kentucky,* 1862, pp. 82, 83. March 15, 1862.

[17] *Ibid.,* 260, Aug. 28, 1862.

[18] "Annual Report of the Auditor" in *Kentucky Documents,* 1862.

[19] Letter from Speed to his mother, Oct. 29, 1861, quoted in Scrugham, *Peaceable Americans,* 123.

[20] *Official Records,* ser. I, vol. 4, pp. 261, 262.

[21] *Rebellion Record,* III, 145 (doc.)

[22] *Ibid.,* 145, 146.

[23] *Official Records,* ser. I, vol. 4, p. 257. He took command on September 10th.

mation "To the People of Northeastern Kentucky now in Arms against their National and State Government," in which he promised them forgiveness if they would lay down their arms immediately.[24]

William T. Sherman was in general command of Kentucky east of the Cumberland River, having succeeded Anderson on September 8th, while Halleck commanded west Kentucky from St. Louis.[25] Ulysses S. Grant had moved down from Cairo, as has already been noted, and had secured the mouths of the Tennessee and Cumberland rivers at Paducah and Smithland. The responsibility of organizing the Federal forces in Kentucky, thus, fell upon Sherman. To him the situation appeared exceedingly grave. Governor Morton, of Indiana, showed that he was no less concerned by his constant calling upon Secretary of War Cameron for troops to defend his state as its border was "nearly defenseless."[26] The cry went up from almost every commander that the state lay in the very maw of the Confederate armies and that they were about to close down upon it.[27] Thomas, at Camp Dick Robinson, lived in constant dread of destruction at the hands of Confederates from East Tennessee;[28] while at the same time he was being begged by the legislature to send troops to protect Lexington and Frankfort from State Guards who were reported to be organizing in that region.[29] Sherman becoming somewhat discouraged at the outlook declared that the "Kentuckians instead of assisting, call from every quarter for protection against local secessionists."[30]

The Federal government in its expectation that Kentucky would rise up in her might and smite the South was doomed to bitter disappointment, and it soon saw the state either unable or unwilling to protect itself. Sherman declared in the latter part of September that he expected "as we had reason to, that the people of Kentucky would rally to our support, but, on the contrary, none have joined us; while hundreds, we are told, are going to Bowling Green."[31] It was reported to Cameron that Sherman "gave a gloomy picture of affairs in Kentucky, stating that the young men

[24] *Official Records*, ser. I, vol. 52, part 1, pp. 194, 195; *Rebellion Record*, III, 204 (doc.).
[25] *Ibid.*, vol. 4, pp. 296, 297.
[26] *Ibid.*, 257 et seq.
[27] See *Cincinnati Commercial*, Sept. 28, 1861.
[28] *Official Records*, ser. I, vol. 4, pp. 265, 266.
[29] *Ibid.*, p. 262.
[30] *Ibid.*, 300. Sherman to Lincoln, Oct. 10, 1861.
[31] *Ibid.*, 279. Sherman to O. D. Greene, Sept. 27, 1861.

were generally secessionists and had joined the Confederates, while the Union men, the aged and conservative, would not enroll themselves to engage in conflict with their relatives on the other side." It was also reported that the opinion existed around Lexington "that the young men of Kentucky had joined the rebels; that no large body of troops could be raised in Kentucky and that the defense of the State must necessarily devolve upon the free States of the West and Northwest."[32] Kentucky Unionists, themselves, bore the same testimony. William E. Bramlette, later to become governor, declared that the "inertness of the Union men, their sensationalism, their utter backwardness in rushing to the call of our country is amazing."[33]

Even in Louisville, enlistments were far short of expectations. In early October, 1,200 had enlisted for ten days to meet a supposed attack, and when their time was out they had refused to re-enlist.[34] Suspicious and disappointed, Sherman saw in almost every person a potential spy for the Confederates. "Our enemies," he said, "have a terrible advantage in the fact that in our midst, in our camps, and along our avenues of travel they have active partisans, farmers and business men, who seemingly pursue their usual calling, but are, in fact, spies."[35]

Not only were the Kentuckians not arousing themselves generally, but George H. Thomas did not believe they would "ever be in the least reliable."[36] Besides these difficulties for the Federal commanders, there was a lack of munitions of war. Second-rate arms, it seemed, were the only weapons the Federal government would be willing to give to the uncertain Kentuckians. Many of these were old European rifles changed from flint-locks to percussion caps—weapons which Sherman declared were "of uncouth pattern, which the volunteers will not touch."[37] In the latter part of October (1861) Sherman reporteds that he was "still embarrassed for want of clothing and arms." Promises he thought

[32] *Ibid.*, 313. L. Thomas to Cameron, Oct. 21, 1861. Sherman had little faith that Kentucky would ever get into the war effectively. *Ibid.*, 300-359, *passim*.

[33] *Ibid.*, p. 270. Bramlette to Geo. H. Thomas, Sept. 23, 1861.

[34] *Cincinnati Commercial*, Oct. 5, 1861.

[35] *Official Records*, ser. I, vol. 4, p. 340. Sherman to L. Thomas, Nov. 6, 1861.

[36] *Ibid.*, 325, 326. Thomas to Sherman, Oct. 31, 1861. Sherman had come to the conclusion by this time that the Kentuckians "promised much," though they were slow in organizing. *Ibid.*, 307.

[37] *Ibid.*, p. 315. Sherman to L. Thomas. See also Battle, Perrin, and Knifin, *Kentucky*, 375.

were "a poor substitute for them but are all we have."[38] Many Kentuckians believed that here lay the secret of the state's listlessness. Said one, "If we had the guns our people would rouse up & shew themselves to be in Kentucky!"[39]

The call was now continually going out for forces to hold a region which it was formerly believed would be a source of surplus troops. General O. M. Mitchell, commander of the Department of Ohio, informed the War Department that the immediate occupation of Kentucky was "a matter of the greatest importance and the fall of Louisville a disaster, the consequence of which cannot be overestimated."[40] Sherman believed that the gravity of the situation was not appreciated; he declared that 200,000 troops were needed in Kentucky, whereas he had only 15,000.[41] To get first hand information, Secretary Cameron visited Kentucky about the middle of October, and reported to Lincoln that "Matters are in a much worse condition than I expected to find them." He agreed that more troops and munitions of war were needed at once.[42] Shortly after this visit, Sherman was succeeded by Don Carlos Buell.[43]

As time went on the Kentuckians were slowly organized and consolidated.[44] Twenty thousand troops for her special defense were being raised by December;[45] and by the end of the year 29,203 Kentuckians had been mustered into the Federal service from all sources.[46] This number was far short of the 42,000 volunteers called for, but it represented a respectable force, which brought forth a resolution of praise from the legislature. Various contingents from Ohio, Indiana, and Illinois had also come to the aid of Kentucky; and the legislature thanked them "for the prompt, fraternal, and effective assistance rendered in arresting the invasion of our State by the Confederate forces."[47]

There was much confusion and conflict of authority in raising troops. The Military Board was busily trying to raise the

[38] Battle, Perrin, and Kniffin, *Kentucky*, 252.

[39] *Holt MSS.*, XXX, 4004. H. Grider to Holt, Sept. 24, 1861.

[40] *Official Records*, ser. I, vol. 4, pp. 275, 276. Mitchell to E. D. Townsend, Sept. 26, 1861.

[41] *Ibid.*, 315.

[42] *Ibid.*, 308. Oct. 16, 1861.

[43] *Ibid.*, 349. Nov. 9. He took command on the 15th.

[44] *Ibid.*, p. 333; vol. 7, p. 443.

[45] *Ibid.*, 513. Buell, who had now succeeded Sherman, was opposed to this special force. *Ibid.*, 515, 516.

[46] Speed, *Union Cause in Kentucky*, 143.

[47] *Acts of Kentucky*, 1861, p. 112. Oct. 1. By the last of September many Ohio troops were in Lexington. Peter, *Fayette County*, 454.

42,000 volunteers who should later be mustered into the Federal service; while the National authorities were attempting to enlist Federal volunteers. The Military Board objected to the presence of Federal recruiting agents as they "must produce great confusion and may operate prejudicially to the public service."[48] Sherman characterized the situation thus, "The President, Secretary of War, and General Anderson gave so many authority to raise regiments that it is impossible to reconcile their claims."[49] This condition produced important elements of weakness. Units while forming were scattered over the state, as a plethora of would-be officers were each trying to fill their organizations. Many a farm could boast of its military camp where some unit was trying to form.

It was early seen that tact and caution would have to be exercised in dealing with Kentucky no less now than when she was a neutral. The officers placed in command were selected with great care, efforts generally being made to secure Kentuckians.[50] Army orders required that all materials taken should be paid for, and accounts kept of all damage done.[51] The Government actually resorted to the expediency of making purchases in Kentucky for the political effect.[52] Secretary Cameron gave instructions "that purchases shall, as far as possible, be made in the country where the troops are raised, in the hope that it will have a beneficial effect upon the Union sentiments of the people." The reference here was to 600 mules to be bought for $125 apiece.[53] It was also found to have a very beneficial effect on Union sentiment to make payments immediately.[54]

It was a great blow to the military hopes of the Confederates when Kentucky cast her lot with the Union. It robbed them of the defensive line of the Ohio River, and pushed the military frontier far to the south. But they immediately set into driving the line as far northward as possible. Strong points in the western part of the state on the Mississippi were held in Columbus and Hickman by Polk, while the approaches in the east were secured

[48] *Official Records,* ser. I, vol. 4, p. 348. J. W. Finnell to Geo. H. Thomas, Nov. 9, 1861.

[49] *Ibid.,* 317. Sherman to Garret Davis, Oct. 22, 1861.

[50] *Ibid.,* ser. II, vol. 4, pp. 380, 381.

[51] *Cincinnati Commercial,* Oct. 11, 1861.

[52] *Official Records,* ser. I, vol. 4, p. 277. "These mules were to be purchased because of the political effect it would have." William Nelson to Geo. A. Thomas, Sept. 26, 1861.

[53] *Ibid.,* 277, 278. Cameron to Nelson, Aug. 29, 1861.

[54] *Ibid.,* 331. A. Shoepf to Geo. A. Thomas, Nov. 3, 1861.

around Cumberland Gap by Zollicoffer. To drive the line between these points northward became the immediate task of the Confederates.

Buckner, who had left the state in early September taking with him most of the State Guards, was now in command of the Confederates' center driving north toward Louisville. He assumed the position, which dominated the whole Confederate policy toward Kentucky for the next six months, that the people were at heart Southern sympathizers and should be delivered from their bondage. He issued on September 12th a proclamation bitterly denouncing those who had betrayed the state, and calling upon the people to rise up and expel the usurpers and invaders. "We have been lulled," he said, "with the siren song of peace into a lethargy from which it was hoped we would not awake." He had seen Kentuckians draw "from beneath the cloak of neutrality the assassin dagger, which is aimed to pierce our hearts."[55] Buckner hoped to make his invasion seem a movement of Kentuckians themselves rising up against those who had faithlessly betrayed the state. The *Louisville Journal* met him with the answer, "Hundreds of these exceedingly sensitive Kentuckians, who so eloquently proclaimed that they could never take up arms against the Southern States, insomuch as those States are Kentucky's sisters, have now taken up arms for the conquest of Kentucky herself. Isn't that enough to make the devil laugh?"[56]

Buckner pushed northward along the Louisville and Nashville Railroad until he reached Bowling Green, where he made his headquarters. He now demanded of Guthrie, the president, that the railroad be opened again.[57] Here in a position, gravely threatening Louisville, he issued another proclamation explaining his presence and his intentions. The legislature had "been faithless to the will of the people. They have endeavored to make your gallant State a fortress, in which, under the guidance of neutrality, the armed forces of the United States might secretly prepare to subjugate alike the people of Kentucky and the Southern States." The United States had been continually breaking the state's neutrality, and he had now come to drive out the invaders and aid the state in recovering and maintaining its former position. He had no desire to influence the political opinions of anyone; his whole purpose was to rescue the state; and he stood ready to with-

[55] *Rebellion Record,* III, 127-129 (doc.).

[56] Oct. 12, 1861.

[57] *Official Records,* ser. I, vol. 4, pp. 414, 415. Buckner to Guthrie, Sept. 18, 1861.

draw when the Federals did. But he warned all that he would not depart until neutrality was enforced against all alike.[58]

The Confederates now made a concerted move to win over the state to their cause. Albert Sidney Johnston, who had on September 10th succeeded Polk as commander in Kentucky,[59] issued a proclamation to the people in which he explained the position of the Confederacy. The South had invaded Kentucky only in self-defense. It was not his intention to try to control the views of Kentuckians; if they still wanted strict neutrality, he would aid them in driving the Federals out and then retire himself. If they should want to join the Confederacy he would welcome them, but if they intended to join the Federals and declare war they should then not censure him for meeting "that war whenever and wherever it may be waged."[60] This proclamation represented the policy of Jefferson Davis and was written by him.[61] Shortly afterwards, John C. Breckinridge, who had left his seat in the United States Senate to fight for the South, issued an address to his fellow Kentuckians in which he laid bare the ruthless course the Federal Government had followed in Maryland and in Missouri; and he raised the warning: "Fellow-citizens, you have to do now, not with this fragment of a Legislature, with its treason bills and its tax bills, with its woeful subserviency to every demand of the Federal despotism, and its woeful neglect of every right of the Kentucky citizen; but you have to deal with a power which respects neither Constitution nor laws, and which, if successful, will reduce you to the condition of prostrate and bleeding Maryland."[62]

Zollicoffer in the southeast also attempted to rouse the people to shake off Northern despotism. He reminded them in a proclamation on December 16th (1861) that the Federal government had "closed your rivers, embargoed your railroads, cut off your

[58] *Ibid.*, 413, 414. Sept. 18, 1861. See also *Rebellion Record,* III, 144 (doc.); *Crisis,* Oct. 3, 1861.

[59] *Official Records,* ser. I, vol. 4, p. 405.

[60] *Ibid.*, pp. 420, 421. Undated—about Sept. 22, 1861.

[61] *Ibid.*, 411. Jefferson Davis to Johnston. Sept. 17, 1861. In his message to Congress on November 18, 1861, Davis said that the Confederates had been forced to invade Kentucky, "a step which was justified not only by the necessities of self-defense on the part of the Confederate States, but also by a desire to aid the people of Kentucky. . . . The Federal forces have not only refused to acknowledge her right to be neutral, and have insisted upon making her a party to the war, but have invaded her for the purpose of attacking the Confederate States." Richardson, *Messages and Papers of the Confederacy,* I, 137.

[62] *Rebellion Record,* III, 256, 257 (doc.). Oct. 8, 1861.

natural and proper markets, left your stock and produce on hand almost valueless, and thereby almost destroyed the value of your lands and labor." Besides these tyrannies, it had taxed them heavily to carry on an "unnatural war, one object of which is openly avowed to be to set at liberty your slaves, and the ensuing steps in which will be to put arms in their hands and give them political and social equality with yourselves."[63] As late as January 6, 1862, George B. Crittenden was seeking to convert the Kentuckians by reminding them that to the South they were "allied by interest, by trade, by geography, by similarity of institutions, by the ties of blood, and by kindred courage."[64]

Various attempts were made in the legislature by the State Rights members to restore the state to its position of true neutrality by the removal of both Confederate and Federal forces; but these efforts were given scant attention by the Union members.

In line with the Confederates' policy of conciliation and pacification, private property was protected and political opinions respected. Buckner was careful to destroy no bridges nor other improvements, unless it was an absolute military necessity,[65] and he instructed his lieutenants to co-operate with the civil authorities and search no houses. He commanded his subordinates to "visit with the severest penalties every act of the soldiers" which violated his rules.[66] He also reassured the civil population that they need not fear arrest "because it is not the policy of the Confederate Government to imitate the acts of inhumanity so uniformly practiced by the authorities of the United States Government."[67] Anything taken from the people should be bought, and payment should be made for all damage to fields, fences, and roads.[68]

Although controlling only a small part of the state, the Confederates had considerable success in raising troops. A group of men at Prestonburg in Floyd County begged President Davis to send commanders to take charge of 1,000 men who had collected there—and they promised to have 5,000 within two weeks.[69] Davis was importuned in December (1861) to issue a

[63] *Official Records,* ser. I, vol. 7, p. 787.

[64] *Ibid.,* vol. 52, part 2, p. 251; *Rebellion Record,* IV, 17, 18 (doc.).

[65] *Official Records,* ser. I, vol. 52, part 2, p. 152. Buckner to A. S. Johnston, Sept. 19, 1861.

[66] *Ibid.,* ser. I, vol. 4, p. 435. Buckner to G. B. Crosby, Oct. 2, 1861.

[67] *Ibid.,* 437. Buckner to W. L. Underwood, Oct. 4, 1861.

[68] *Ibid.,* 495. G. A. Henry, general order, no. 23; 546, P. R. Cleburne to Hardee, Nov. 13, 1861.

[69] *Ibid.,* vol. 52, part 2, p. 164. Oct. 2, 1861.

proclamation allowing Kentucky Union soldiers to join the Confederate ranks, since there was much discontent among them due to the Federal government's tampering with slavery.[70] General Johnston was rather disappointed at Kentucky enlistments by the middle of October. He informed Secretary Benjamin that he could not go further without re-enforcements as he could not depend on Kentucky enlistments. He added, "There are thousands of ardent friends to the South in the State, but there is apparently among them no concert of action."[71] By early November he had changed his mind; now he found recruits coming in fast and he was troubled with a lack of arms for them.[72] On September 30th there were four regiments of Kentucky troops in the Confederate armies,[73] and on March 1, 1862, there were 7,950 troops accredited to Kentucky by the Confederate War Department.[74] This number, undoubtedly, does not account for all the Kentuckians in the Confederate service, for large numbers had left the state before neutrality had been abandoned and were scattered among the regiments of various states.

The Confederates occupied a strong defense line from Columbus on the Mississippi through Fort Donaldson and Fort Henry on the Cumberland and Tennessee rivers respectively and on through Bowling Green to Cumberland Gap in the east. For a time there was a great liklihood that a strong effort would be made to take Louisville. Blanton Duncan was confident that that city could be seized, and he added, "I should gladly see all my possessions blazing, if necessary to aid in roasting Prentice, Guthrie, and Harney."[75] Movements as far northward as Elizabethtown were carried out, but no real effort was made to take Louisville itself. The locks on Green River, however, were destroyed to keep Grant's gunboats from attacking the Confederates' left flanks.

Duly impressed with the serious situation in Kentucky, the Federals made commensurate preparations and were ready to attack the Confederates by the beginning of the year (1862). Grant moved up the Tennessee by land and water and appeared before Fort Henry, which he captured in early February. Sending his gunboats around to the Cumberland River, he invested Fort Donaldson a week later, and after five days took it with 8,000

[70] *Ibid.*, vol. 7, pp. 801, 802. W. Preston to Davis, Dec. 28, 1861.
[71] *Ibid.*, vol. 4, p. 469. Oct. 22, 1861.
[72] *Ibid.*, p. 505. Johnston to I. G. Harris, Nov. 3, 1861.
[73] *Ibid*, ser. IV, vol. 1, p. 628.
[74] *Ibid.*, 962.
[75] *Ibid.*, ser. I, vol. 52, part 2, p. 152. Duncan to L. P. Walker, Sept. 18, 1861.

prisoners. Among those captured was Buckner, so bitterly hated by the Kentucky Unionists. As these disasters rendered the Confederate positions around Bowling Green untenable, on February 15th a retreat was ordered after the bridges across the Barren River had been destroyed and much provisions and war supplies burned.[76] The Confederate positions in the extreme east and west were also in the process of crumbling. Zollicoffer had been first defeated in October at the battle of Wild Cat,[77] and on January 19th at Mill Springs he was again defeated and there slain.[78] The Confederates were now pushed beyond Cumberland Gap. On the west they evacuated Columbus on March 18th with accumulations of supplies sufficient to last the army for eight months.[79]

In losing Kentucky the Confederates lost a valuable prize. The doors to west Tennessee were now opened, and the fall of Nashville soon followed. They had failed to judge correctly the power the Federals were able to concentrate in Kentucky, and undoubtedly did not fully appreciate the extreme importance of holding their lines. Against the 114,000 Federals that had pressed southward, they failed to offer sufficiently strong resistance. Another element in the situation was the persistent belief of the Confederates that Kentucky was at heart for the South and only wanted an opportunity to join it. The full expression of this feeling was seen in the setting up of the Provisional government of Kentucky.

A Confederate government of Kentucky would not only give a rallying point for Kentuckians, who could now join the Confederacy without being technically traitors to their state, but it would also solve many legal and administrative problems confronting the Confederate commanders in the occupied area. The question early arose of carrying out certain laws passed by the legislature at Frankfort. General Johnston was of the opinion that the war taxes should be collected and used for the Confederacy,[80] but

[76] *Rebellion Record,* IV, pp. 134-137 (doc.)

[77] *Ibid.,* III, 231 (doc.). Zollicoffer was threatening to seize central Kentucky, when he was halted by this battle. The *Cincinnati Gazette* in speaking of the conflict said, "Spring will see no secessionists in the blue grass country. Had Garrard [the Federal commander] been driven from his position, they would have been as thick as fire flies in harvest."

[78] Collins, *Kentucky,* I, 99.

[79] *Official Records,* ser. I, vol. 7, pp. 437, 438. On March 6th, James A. Garfield wrote John F. Fisk that the Big Sandy Valley had been cleared of the Confederates and that he hoped to arm the Union men soon. *Ibid.,* vol. 10, part 2, p. 13.

[80] *Ibid.,* vol. 4, p. 469. Johnston to Benjamin, Oct. 22, 1861.

Secretary Benjamin objected.[81] Also the question of the liability to seizure of the funds in banks came up. Buckner held that they should not be interfered with unless they were used to aid the enemy.[82]

The nucleus of the Provisional government is seen in the Frankfort Peace Convention of September 10th—both having the same leaders.[83] No one person had a greater part in the movement than George W. Johnson, who did much to convert President Davis to the idea. In October he began calling on General Johnston for protection, since much of Kentucky was without Federal, state, or Confederate laws. As the legislature had forced the state to the side of the North, "the most unnecessary, foolish, and criminal act, in our opinion, ever perpetrated," he wanted Confederate protection for "our trade, our property, and our lives."[84] The situation, in reality, resolved itself into a problem of the Confederacy administering conquered territory, or going through with the process of admitting Kentucky as a Confederate state.

Before the latter could be done it would be necessary to make at least two preliminary steps. On October 29th, a meeting was held at Russelville at which representatives from thirty-two counties were present. After having properly condemned the legislature for its multifarious crimes, it declared the edicts of this rump body were not law. Adroitly calling to its aid the state constitution itself, which set up the tenet that the people have "at all times an inalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper," and which proclaimed the rather remarkable doctrine "that absolute and arbitrary power over the lives, liberty, and property of freemen exists nowhere in a republic—not even in the largest majority," the assembly called on Magoffin to hold a meeting of the legislature outside the lines of the Federal bayonets. But since the governor would manifestly be unable to do so, the assembly called a sovereign convention to meet in Russellville on November 18th. A Committee, consisting of John C. Breckinridge and others, was appointed to carry out the program.[85]

[81] *Ibid.*, 532. Benjamin to Johnston, Nov. 10, 1861.

[82] *Ibid.*, 443. Buckner to J. L. Alcorn, Oct. 10, 1861.

[83] *Congressional Globe*, 37 cong., 2 sess, part 2, p. 1215.

[84] *Official Records*, ser. I, vol. 4, pp. 450, 451. G. W. Johnson to A. S. Johnston, Oct. 15, 1861.

[85] *Rebellion Record*, III, 259-261 (doc.); McPherson, *History of the Rebellion*, 8; Thomas V. Cooper, *American Politics* (Philadelphia, 1883), I, 93.

Two hundred members gathered together from sixty-five counties and immediately passed a declaration of independence and thereby took advantage of the right of revolution which the preliminary meeting on October 29th had called attention to in the state constitution.[86] Then, scrupulously following constitutional theory, regenerated Kentucky passed an ordinance of secession from the Federal Union. A provisional government was now set up, consisting of a governor, a legislative council of ten, and minor officers. George W. Johnson was appointed governor.[87] As this government was considered the only true government of the state, the old constitution was naturally retained as well as all of the old laws not inconsistent with the acts of the new government. Bowling Green was made the capital. Magoffin vigorously condemned these proceedings: it was rebellion against Kentucky but he was unable to put it down as he found himself "without arms, without money, without men."[88]

President Davis was in accord with what had been done, and believed that there was evidence a plenty "that by a large majority their [Kentuckians'] will has been manifested to unite their destinies with the Southern States whenever, despairing of the preservation of the Union, they should be required to choose between association with the North or the South."[89] He recommended to Congress the admission of Kentucky into the Confederacy,[90] and this was done on December 10th.[91] The state was given ten congressmen.[92]

Various problems speedily arose and demanded the attention of the new government. The revenue laws passed by the Frankfort legislature to raise funds to carry on the war and to pay Federal taxes were held to be unconstitutional and the people were relieved from paying them.[93] The funds of the branches of the state-controlled banks in the territory under the Provisional government were seized on the grounds that those banks had been

[86] The idea of revolt against the legislature, now under control of Federal influences, was clearly held in mind and set forth. *Official Records,* ser. IV, vol. 1, pp. 741, 743-747.

[87] *Ibid.,* 740-743; *Rebellion Record,* I, Supplement, 164, 165; McPherson, *History of the Rebellion,* 8; *Annual Cyclopædia,* 1861, p. 403.

[88] *Rebellion Record,* IV, 133 (doc.).

[89] *Official Records,* ser. IV, vol. 1, p. 755. Davis to Howell Cobb, Nov. 25, 1861.

[90] Richardson, *Messages and Papers of the Confederacy,* I, 147, 148.

[91] *Official Records,* ser. I, vol. 52, part 2, p. 240.

[92] *Ibid.,* ser. IV, vol. 1, p. 798.

[93] *Ibid.,* pp. 807-809.

guilty of lending money to Kentucky and to the United States to wage war on the Confederacy.[94] As there was little revenue that the Provisional government could secure, it was practically impossible for it to raise and provision troops. In January it received a loan of $2,000,000 from the Confederate government[95] in response to a call upon it for $3,000,000.[96] The Confederacy in turn now called upon it to fill its quota of troops, if possible.[97] It was never able to raise the troops required, but it did change the name of Wolfe County to Zollicoffer, in honor of the Confederate commander who died fighting at the battle of Mill Springs,[98] and engaged in other evanescent proceedings.

This shadowy government of Kentucky, never completely organized, had a chequered career. A little over four months after its formation it was a fugitive from the territory it was supposed to be governing, and in the battle of Shiloh in April (1862) its governor, George W. Johnson, fell mortally wounded, fighting as a private. In October (1862) it had regained a foothold in the state, entering with Bragg's army, and for a short day actually held possession of Frankfort, just long enough to inaugurate Richard Hawes as governor.[99] It was never quartered in the state long enough to develop any qualities of permanency; and by 1863, Governor Hawes had lost heart as he realized that his state had "not seemed to respond to the expectations of her sister States in the vindication of States' rights and the assertion of our dearest personal and political liberties."[100] However the Provisional government continued its shadowy existence until Appomattox.

The enthusiasm of the first few months of the war carried the state into a stronger support of the National government than it was ever to show thereafter—and as has appeared it seemed at times as if there was little heart for the war even in the first days. The legislature on October 1 (1861) passed an act designed to cope with the large number of Kentuckians who were leaving the state to join the Confederacy. Any Kentuckian invading the state was declared to be guilty of a felony and punishable by

[94] *Ibid.*, 758, 759, 799, 904, 905; Richardson, *Messages and Papers of the Confederacy,* I, 148; *Illinois Journal,* Jan. 8, 1862; *Cincinnati Commercial,* Dec. 16, 1861.

[95] *Official Records,* ser. I, vol. 52, part 2, pp. 261, 262; ser. IV, vol. 1, p. 891.

[96] *Ibid.*, pp. 249, 250. Jan. 3, 1862.

[97] *Ibid.*, ser. I, vol. 7, p. 857. Feb. 3, 1862.

[98] *Rebellion Record,* IV, 21 (diary).

[99] *Official Records,* ser. I, vol. 52, part 2, p. 342; Collins, *Kentucky,* I, 113.

[100] *Official Records,* ser. IV, vol. 2, p. 417.

imprisonment in the penitentiary from one to ten years. Any person persuading a Kentuckian to enlist in the Confederate army and any person so enlisting was deemed guilty of a high misdemeanor, punishable by a fine of not over $1,000 or imprisonment not exceeding six months.[101] A few months later a wider and more drastic law was passed, which expatriated any Kentuckian who aided the Confederacy in either a civil or military capacity; and his citizenship could not be restored except by permission of the legislature.[102] Soon all teachers were required to take an oath to support the constitution of the state and nation and to eschew all allegiance to the Provisional government;[103] and all jurors were required to take an oath that they had in no way been connected with the Confederate army or government and that they did not sympathize with the Confederacy.[104] A similarly stringent oath was required of ministers of the Gospel before they should be allowed to perform the marriage ceremony. As an answer to the Provisional government's attempt to lead the state into the Southern Confederacy, a law was passed making it a crime punishable by imprisonment in the penitentiary from one to five years for anyone to "hold any secret or public meeting" of an organization or belong to one "intended to effect, promote, or endanger the separation or secession of this State" from the Union "or to effect, promote, or encourage the encorporation or union of this State with the so-called Southern Confederacy."[105] To display a Confederate flag was punishable by a fine ranging from $50 to $100. A demand of considerable insistence went up from the strong Union men for the confiscation of the property of those who should aid the South, but no drastic laws on this subject were ever passed.[106]

The excitement incident to civil strife and military operations led to a number of indictments for treason. In early November in the Federal district court at Frankfort, indictments were returned against thirty-two prominent Kentuckians. In this number were John C. Breckinridge, John M. Brown, Ben. Desha, Hum-

[101] *Acts of Kentucky,* 1861, p. 15; *Official Records,* ser. I, vol. 4, pp. 450, 451.

[102] *Acts of Kentucky,* 1861, p. 71. March 11, 1862. See also McPherson, *History of the Rebellion,* 312.

[103] *Acts of Kentucky,* 1862, p. 265. Aug. 30, 1862.

[104] Collins, *Kentucky,* I, 109.

[105] *Tri-Weekly Commonwealth,* Feb. 13, 1863. Act passed Aug. 28, 1862.

[106] *Cincinnati Commercial,* Nov. 16, 25, 1861; Jan. 1, 1862. Garret Davis in the United States Senate stood for the confiscation of the property of all persons connected in any way with the Confederacy. Collins, *Kentucky,* I, 98.

phrey Marshall, and John H. Morgan.[107] As animosities grew more bitter, more indictments came. In April, 1862, the Bourbon County circuit court brought indictments against thirty-four citizens of that county for having entered the service of the Confederacy, and against twelve others for having invaded the state. About two months later the Fayette County circuit court brought thirty-four indictments for treason.[108] Efforts were made, but without avail, to have General Buckner, who was a prisoner of war, handed over to the Kentucky civil authorities to be tried for treason. After Bragg's invasion during the fall of 1862, the wheels of the grand juries were again set into motion to grind out treason indictments; and Fayette County produced 208 and Bourbon, 195.[109]

Such indictments were little more than so much stage play, as the persons wanted were generally beyond the reach of the court. The first person to be actually brought to trial was J. H. Dills, who was tried for treason in July, 1862, and acquitted.[110] A year later a conviction was secured against Thomas C. Shacklett in the Federal district court at Louisville, and the penalty imposed of $10,000 fine, imprisonment in jail for ten years, and freedom for his slaves.[111]

The legislature went through the formality at various times of expelling, impeaching, and otherwise disposing of former members of the state government, who had answered the call of the Confederacy. Two senators were "expelled" in February, 1862, for being in the Confederate service,[112] and a circuit judge was addressed from office and declared guilty of treason on the same charge.[113]

Both of the state's United States senators were sympathetic to the Confederacy and soon brought down upon themselves the wrath of the legislature. Shortly after the state abandoned its neutrality, this body declared that "John C. Breckinridge and Lazarus W. Powell do not represent the will of the people of Kentucky."[114] By the middle of November Breckinridge had left the wrangling halls of debate to assume command of the First

[107] Collins, *Kentucky*, I, 97.
[108] *Ibid.*, 102.
[109] *Ibid.*, 116; Peter, *Fayette County*, 463.
[110] Collins, *Kentucky*, I, 103.
[111] *Tri-Weekly Commonwealth*, July 27, 1863; Collins, *Kentucky*, I, 128.
[112] *Ibid.*, 100. Wm. T. Anthony and John M. Johnson.
[113] *Acts of Kentucky*, 1862, p. 134.
[114] Collins, *Kentucky*, I, 95. Senate 20 to 5; house, 53 to 20.

Kentucky Brigade of the Confederate army, and on December 2nd the Senate declared that he should be "expelled" from that body.[115]

Powell, disregarding what he considered to be the officious advice and unconstitutional action of the legislature, chose rather to remain in the Senate and fight for what he considered to be right and for what he believed the mass of Kentuckians wanted. The Senate, itself, soon took up the fight against him, and Garret Davis, who had been elected to fill the vacancy left by Breckinridge, distinguished himself by his savage onslaught against his colleague. The judiciary committee reported that "From the beginning of this great rebellion to the present time Senator Powell has neither done nor said anything in Congress or out of Congress to strengthen or sustain the United States in this mighty struggle for national life."[116] He was charged with having been present at a meeting, where he advocated neutrality and approved Magoffin's refusal to furnish Lincoln with troops. He was also accused of having opposed the voting of money "for a purpose so unwise, and for a cause so hopeless as the military subjugation of the Confederate States."[117] Garret Davis, more viciously than wisely, set upon him and held him up as a traitor and a scoundrel for having stood for what Kentucky had officially adopted and for what the people had abundantly showed they wanted. Powell very ably and effectively defended himself by showing conclusively that he stood with the mass of Kentuckians in the summer of 1861 and by maintaining rather plausibly that he still represented a majority of Kentuckians. He was sustained 28 to 11 in March, 1862, when his case came to a vote.[118]

The Unionists, who had thus been trying to lead the state into strong support for the National administration, were continually confronted with a persistent obstacle in the person of the governor. The opposition that was mercilessly hurled against him at times, knew not the bounds of the constitution, nor of reason. Threats of "impeachment, arrest, even assassination" were being constantly rumored.[119] As has already been noted, his constitutional rights and duties as commander of the militia had been taken

[115] Collins, *Kentucky,* I, 97.

[116] *Congressional Globe,* 37 cong., 2 sess., part 1 (1861-2), p. 892.

[117] *Ibid.,* p. 891.

[118] *Ibid.,* part 2, p. 1113; part 1 and 2, pp. 891, 898, 1112, 1180, 1205, 1230. Henry C. Burnett was expelled from the House of Representatives in December, 1861, as he had already left Congress for the Provisional government. Cooper, *American Politics,* I, 132.

[119] Collins, *Kentucky,* I, 108.

away from him and his other powers so circumscribed that it was made impossible for him to carry out a positive program. As a result, he declared in July, that the state's "militia . . . remains to this day unorganized, and without a single commissioned officer beyond my personal staff. I am without a soldier or a dollar to protect the lives, property, and liberties of the people, or to enforce the laws."[120]

Various efforts had been made by the more conservative Unionists to induce Magoffin to resign, but he steadfastly refused until in August, 1862, when an agreement was reached.[121] His refusal up to this time had been based largely on his desire to protect as far as he could the more moderate Kentuckians, the Southern Rights men—men like himself, who differed with the radical Unionists but who were by no means secessionists. Now by being allowed to name his successor, he was willing to give up the office which had become so unpleasant to him, and to allow a conservative person to come in who would administer justice evenly and who would be vindictive toward none. As the lieutenant governor had died, the succession passed to the speaker of the senate, and thereby it became possible for Magoffin to designate his successor. The speaker at that time was John F. Fisk, a person unacceptable to Magoffin; so it was arranged that he resign and that the senate elect James F. Robinson, a moderate conservative. Robinson was elected speaker, and Magoffin resigned, whereupon the speaker became governor, and Fisk was re-elected to the speakership.[122]

Magoffin's position had been most difficult, especially after the abandonment of neutrality; and a less honest and sincere man might have brought about internal strife and civil dissensions that could have easily destroyed Kentucky's value to the Union. In his message to the legislature, he said, "No matter how much I may have differed from you in regard *to the best means* of preserving the liberties of the people, of transmitting unimpaired our institutions . . . my desire has been none the less ardent, my efforts have been none the less persistent, honest, and constant, to effect this object, than yours."[123] His action in resigning won him the respect of some of his stoutest enemies. The *Tri-Weekly Commonwealth* made the comment that "while credit for consci-

[120] *Tri-Weekly Commonwealth,* July 30, 1862.

[121] For example, Collins, *Kentucky,* I, 95.

[122] *Danville Quarterly Review,* IV, 388; Collins, *Kentucky,* I, 108, 109; *Louisville Journal,* Aug. 18, 1862.

[123] *Tri-Weekly Commonwealth,* Aug. 15, 1862.

entiousness is due him for not waiving his opinions, his opinions even under the dictates of a majority, still more credit is due for candidly yielding his opinions by a resignation when he felt those principles coming in contact with the will of the people."[124]

He believed explicitly in constitutional action at all times, in state sovereignty, and in the rule of the majority.[125] He was very sympathetic toward the South, not an original secessionist though inclined that way later, and a member of the Southern Rights Party, "a great majority of whom are not and never were secessionists"; but he never attempted to overstep the constitution. Humphrey Marshall in a long and eloquent communication in March, 1862, pleaded with him, in the name of all he had stood for in the past, to withdraw the power of the state from further aid to the Federals. Marshall suggested that "Your simple proclamation that Kentucky shall not be the passway for enemies intending to invade the South will probably do the work. If that fails, you will be committed to the suppression of all courier routes through the State, of all depots of armies, munitions of war, and of troops."[126] Magoffin refused to be drawn away from the course which he believed the constitution had marked out. Thus it was that the Kentuckians' deep respect for the established order prevented them in their bitterest moments from impeaching their governor for political reasons, a process later used by the Radicals in Congress in their vain attempt to dispose of Andrew Johnson.

[124] Aug. 22, 1862.
[125] Speed, Kelly, and Pirtle, *Union Regiments of Kentucky,* 10.
[126] *Official Records,* ser. I, vol. 10, part 2, pp. 468-475.

CHAPTER VIII

THE BEGINNINGS OF DISCONTENT

One of the fundamental feelings underlying neutrality was an abhorrence of civil war; and the state's departure from this policy by no means indicated a change in that feeling. Forced to take sides, the people were carried by the momentum of a long-standing Unionism to embrace the cause of the National government, without realizing what it would finally lead to. The first and immediate thought was to stand by the Union and do whatever actual fighting was absolutely necessary and no more. But from the very beginning there were a large number whose sympathy for the National government was not sufficient to cause them to join the Federal forces, and who became increasingly important and powerful as the character of the war developed.[1] It is a significant fact that the Lincoln ticket had received less than 2,000 votes throughout the whole state a year previously, and at no time since then had the fundamental bed-rock of Union Democracy shown any signs of crumbling. The people were also slow to realize that government and business as usual could not continue while the state was the battlefield for bitter contending foes. The strategic importance of the state made it necessary even after the Confederates had been pushed far to the south for the Federal forces to hold it in great strength and to exercise a control over it which smacked too much of military occupation. This situation made a comparison of conditions in Kentucky with those in her neighbors north of the Ohio invidious and exceedingly odious. While Kentucky was suffering almost the rigors of a conquered territory, other loyal states were experiencing little inconvenience: this Kentuckians soon came to see and bitterly resent.

There was always a small group of native Kentuckians who were willing to become the instruments of the military régime and who, in their fierce pursuit of the lukewarm Unionists and Southern sympathizers, came to turn the whole state against themselves and the military authorities before the war had ended. As was

[1] General Boyle wrote Secretary Stanton, August 13, 1862, "There are many so-called Union men in Kentucky who still cling to a hope of reconciliation and believe in a policy of leniency." *Official Records,* ser. II, vol. 4, p. 413.

expressed by a Kentuckian, the state "soon fell under the control of the Northern army. Fanaticism and hate raised to the surface many common men who did their utmost to disinherit, disfranchise, and rob men of Southern sentiment who had gone out from the State, and the old men who remained in the State; and it would be hard to conceive of more infamous legislation than was made while this party held its power in Kentucky."[2]

A war of conquest and vengeance was abhorrent to all Kentuckians except to this small radical group; and the resolution introduced by Crittenden and passed by the House of Representatives in July, 1861, "that this war is not waged . . . in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those states, but to defend and maintain the supremacy of the constitution, and to preserve the Union with all the dignity, equality and rights of the several states unimpaired"—this resolution had much weight in causing the state ultimately to support the Union. Kentucky did not forget this resolution after she entered the war; but on the contrary, in November, 1861, the legislature declared it was a contract which the Federal government could not break "without a disregard of the plighted faith . . . which we would be slow to believe can be seriously entertained. Against any such departure we solemnly protest." It declared the purpose set forth in the Congressional resolution was "the great end demanded, and that which inspires Kentucky with patriotic ardor to seek their achievement with all her loyal energies and means. . . ."[3]

There were certain misgivings in the minds of the very ones who were foremost in supporting the cause of the Union. In the resolutions of September 18th (1861), declaring neutrality at an end, they promised that "no citizen shall be molested on account of his political opinions, that no citizen's property shall be taken or confiscated because of such opinions, nor shall any slave be set free by any military commander, and that all peaceable citizens and their families are entitled to, and shall receive, the fullest protection of the government in the enjoyment of their lives, their liberties, and their property."[4] This was not only a promise on the part of the state government but a warning to the Federal authori-

[2] Cook, *Old Kentucky*, 176.
[3] *Annual Cyclopædia*, 1861, p. 403. Nov. 27, 1861.
[4] Collins, *Kentucky*, I, 93; *Louisville Journal*, Sept. 23, 1861.

ties. Political disputation had been one of the pronounced traits of Kentuckians, standing out even before statehood had been secured and they were not willing to forego it now though they be in the midst of a civil war. Every guarantee mentioned in the resolution was soon broken by the Federal authorities, with the result that a steadily rising storm of protest began to gather all over the state.

The legislature had scarcely expressed itself on the question of arrests before it was face to face with an aggrevating violation of its policy. Three of its members on their way home were arrested by over-zealous Home Guards on September 22nd. A committee was at once sent to secure their release, which was soon effected. A resolution was now reported declaring that the arrests were illegal and unwarranted, and that they should be disapproved. Both houses passed resolutions condemning the action of the Home Guards.[5] Earlier, even before the legislature had abandoned neutrality, it had been indirectly concerned with the question of arrests, when the brother of one of the members had been seized on September 10th. A petition signed by the presiding officers of both houses and by "100 other members and officers" was sent to the military authorities, calling for his release.[6]

From the very beginning the high Federal military authorities did not fail to realize the peculiar situation in Kentucky. There were difficulties and dangers on all sides. Who could be trusted and who should not? It was evident that the state was honeycombed with Southern sympathizers. Should the leaders be arrested and dangers from them averted, or should they be allowed to spy and plot and be seized, if possible, only after the damage was done? Either course was certain to result in trouble aplenty. General Grant on entering Paducah on September 6th said he had "nothing to do with opinions" and that he would "deal only with armed rebellion and its aiders and abettors."[7] General Anderson issued a proclamation of reassurance on September 24th in which he gave notice "that no Kentuckian shall be arrested who remains at home attending to his business and does not take part either by action or speech, against the authority of the General or State Government, or does not hold correspondence with, or give

[5] Collins, *Kentucky*, I, 94. They were Senator J. L. Irvan, and representatives G. E. Ewing and G. W. Silvertooth.

[6] *Official Records*, ser. II, vol. 2, pp. 747-749. J. L. Pruett was the person arrested.

[7] *Ibid.*, ser. I, vol. 52, part 1, p. 189.

aid or assistance to, those who have chosen to array themselves against us as our enemies."[8]

Two days after these assurances had been given, the military authorities fell upon high and low in various parts of the state and within a short time had carried many off to military prisons. James B. Clay, a son of the "great pacificator," was arrested and admitted to bail, while ex-governor Charles S. Morehead and Reuben T. Durrett were hurried off to Fort Lafayette in New York City. The judge, clerk of the court, and sheriff of Harrison County and various other persons were taken to the barracks at Newport. All were held under the vague charge of "aiding the rebellion."[9]

The case of Morehead was particularly unfortunate as he was an old man, deserving and receiving the respect and confidence of Kentuckians generally. In characterizing this arrest John C. Breckinridge said, "this man, without indictment, without warrant, without accusation, but by the order of President Lincoln, was seized at midnight, in his own house, and in the midst of his family, was led through the streets of Louisville, as I am informed, with his hands crossed and pinioned before him—was carried out of the State and district, and now lies a prisoner in a fortress in New York harbor, a thousand miles away."[10]

So numerous and indefensible did arrests by petty officers and Home Guards become that General Anderson in early October (1861) issued an order regretting that arrests had been made "on the slightest and most trivial grounds" and demanding that hereafter arrests be made by the military authorities only when the person was attempting to join the Confederates or was actively aiding them and that the evidence should be such as would convict before a court of justice.[11] A few days after Anderson's proclamation George Robertson and Richard A. Buckner, men of strong affection for the Union, informed General Sherman that many arrests had been made merely on account of Southern sympathies, without proof or charges of aiding the Confederacy. Sherman replied that he would endeavor to protect all loyal citizens, and molest no one, "whatever his political opinions, pro-

[8] Collins, *Kentucky,* I, 94.

[9] *Official Records,* ser. II, vol. 2, pp. 805-829; McPherson, *History of the Rebellion,* 153; Collins, *Kentucky,* I, 95.

[10] *Rebellion Record,* III, 257 (doc.). On December 7, 1861, the legislature passed a resolution calling for the return of Morehead and other political prisoners.

[11] *Official Records,* ser. I, vol. 4, p. 296; Collins, *Kentucky,* I, 96.

vided he obeys the laws."[12] Sherman, seeing how easy it was to arrest and hurry away people who might be wholly innocent of any wrong doing, forbade on October 31st (1861) the removal of political prisoners from the state before they had been given an opportunity "for trial by the legal tribunals of the country."[13] To carry out this part of his program he ordered Judge Bullitt of the Court of Appeals to review the papers concerning prisoners and designated Federal commissioners appointed by Judge Catron, a Kentuckian on the United States Supreme Court bench, to try the cases.[14]

Practically all of the higher Federal military authorities, seeing the danger in the situation, condemned the widespread arrests that were being made. McClellan warned Buell on his taking command of Kentucky in November (1861) to keep in mind the purpose of the war, which was "the preservation of the Union and the restoration of the full authority of the General Government over all portions of our territory" and to be careful to respect the domestic institutions of Kentuckians and give them every constitutional protection.[15] He also gave instructions to make no senseless arrests and to allow his subordinates to make no arrests at all.[16] McClellan saw very early what many others saw too late or failed to see at all, that the conduct of political affairs in Kentucky was "more important than that of our military operations."[17]

The main trouble and danger on the question of arrests was that, regardless of theory, in actuality there was no unified authority. The Home Guards, composed generally of men weak in military training but strong in likes and dislikes, were a disturbing factor, making arrests with little relation to the public weal. Then, there were many subordinate officers who found joy in arresting those they did not agree with, often disregarding the policy set up by their commanding officers. The greatest menace to the peace and tranquility of Kentucky was the swarm of provost marshals, among whose multifarious and all-embracing activities was that of making and ordering arrests. They often made arrests without giving reasons or keeping records.[18] At other

[12] *Ibid.*
[13] *Ibid.*, 97.
[14] *Official Records*, ser. I, vol. 4, p. 327. Nov. 2, 1861.
[15] *Ibid.*, 342. Nov. 7, 1861.
[16] *Ibid.*, 355. Nov. 12, 1861.
[17] *Ibid.*, 342. McClellan to Buell, Nov. 7, 1861.
[18] *Ibid.*, ser. II, vol. 4, p. 96.

times when it was deemed best that reasons be given, diligent efforts were made to discover some plausible ground on which a disliked person might be seized.[19] Less than three months after Kentucky had entered the war, according to General Sherman, "So many improper arrests were made by self-constituted authorities that there was a physical impossibility of keeping them."[20] Personal grudges and dislikes were too often the real reason for arrest. A Federal commander in reviewing the situation declared that "Old feuds, more recent dislikes, have an influence in controlling the judgments of the most loyal, and experience has shown that individuals entirely innocent of any disloyal design may be arrested and imprisoned upon the evidence of the over-zealous patriot or of the designing enemy."[21]

Most of these arrests were so indiscriminate and senseless that soon the mass of Kentuckians, Unionists and Southern sympathizers alike, began to call for a halt. Mystery shrouded many of the arrests—why the person was seized and whither he was spirited. In March, 1862, the legislature called on the Secretary of War to publish in the Kentucky newspapers the names and locations of all Kentuckians held in prison.[22] For reasons of its own the Federal government refused to comply. Senator Powell, who had looked with strong disapproval from the beginning on the many arrests taking place, now became the champion of the political prisoners, and fought their cause in the United States Senate in season and out. In April (1862) he introduced a resolution calling on the Secretary of State for information on the numbers held and where they were being kept.[23] In answering Charles Sumner, who attempted to block the resolution, Powell said, "If a single negro is taken and delivered to his master by any officer of the Army, we find senators on that side quick and speedy to enquire into it; but when free-born white men who are the peers of the Senator and of the Secretary, are thus arrested, we cannot even have an inquiry."[24] So flagrant had the arrests become in Kentucky that the United States Senate was moved to pass a resolution in May (1862) calling on Lincoln for informa-

[19] For example, letter from H. K. Milward, provost marshal at Lexington to R. J. Breckinridge, Aug. 6, 1862. *Breckinridge MSS.*, 1862.

[20] *Official Records,* ser. I, vol. 4, p. 327. Sherman to W. T. Ward, Nov. 2, 1861.

[21] *Ibid.,* ser. II, vol. 5, p. 300. H. G. Wright, Feb. 26, 1863.

[22] *Acts of Kentucky,* 1862, p. 130.

[23] *Congressional Globe,* 37 cong., 2 sess. (1861-3), part 2, p. 1732.

[24] *Ibid.,* 1805.

tion.[25] A week later the answer was received that it was not compatible with the public interest to furnish the information;[26] and the outcome of the whole movement was to leave Kentucky smarting under her grievances. William A. Dudley, the state adjutant-general, wrote Crittenden that arrests were too frequent for anybody's good and that they were alienating Union men. On account of senseless arrests, he declared that within the past few days over a hundred men had left for the Confederacy.[27]

On June 1, 1862, General Jere T. Boyle was made commander of Kentucky and nine days later he threw to the winds the expressed caution of previous commanders and began a campaign of arrests that was to make his name odious to many of his fellow-citizens. All persons who had joined the Confederates or who had aided them in any way or had been within their lines were ordered to report to the provost marshals to take the oath of allegiance and to give bond for future good conduct. Any suspected person refusing to do this was ordered arrested and transported beyond the state. Dangerous latitude was given when arrest were ordered of all persons "for anything said or done with the intent to excite to rebellion." A rather searching oath was required and death was fixed as the punishment for its violation.[28] A widespread and menacing persecution now began. No person could be too important to escape the suspicion or ill-will of a general, or too lowly to escape the grudge of a provost marshal. All alike were visited and unnecessary and distasteful oaths were exacted; and anyone who objected was hurried off to prison.

Due to Boyle's renewed campaign of arrest for opinion's sake and to the invasion by the Confederates in the late summer and fall of 1862 the number of arrests greatly increased. During July the prisons were filled with "notorious and dangerous rebels" and in order to make way for more, some were admitted to bail ranging from $5,000 to $20,000. It was announced that the work would continue "until the last Jeff. Davis sympathizer is cleared out."[29] In September the Louisville newspapers were ordered to cease publishing the names of persons arrested or the numbers. Ninety-three political prisoners seized and spirited away to Camp Chase (Ohio) petitioned Governor Magoffin in August to ask the

[25] *Congressional Globe,* 37 cong., 2 sess., part 3, p. 2393. May 14, 1862.
[26] *Official Records,* ser. II, vol. 2, p. 288.
[27] *Crittenden MSS.,* XXVII, 5577, 5578. May 14, 1862.
[28] Collins, *Kentucky,* I, 102.
[29] *Ibid.,* 103, 104.

legislature to lend its aid in securing a trial for them.[30] In October General Buell called for the arrest of all persons who had aided or abetted the Confederates in their recent invasion and ordered their banishment to the South.[31] Shortly after this 200 Southern sympathizers were parolled provided they would go north of the Ohio River and remain there.[32] This wave of arrests caught many preachers throughout the state, with almost every denomination represented. The religious press which failed to secure approval also felt the heavy hand of the military. The *True Presbyterian,* edited by Stuart Robinson, and the *Baptist Recorder,* edited by Rev. Mr. Duncan, were suppressed and the editors seized.[33]

Even women and children could not claim immunity. They might be spies or they might inspire the men to spy and resist. Their influence, though not spectacular yet taken as a whole, was profound. Soon after assuming command in Kentucky, Boyle ordered quarters to be prepared for "such disloyal females" as it might be found necessary to arrest. At Newport a prison was set up for "rebel females," where the inmates were made to sew for the Federal soldiers.[34] Women continued to be arrested throughout the course of the war, often on no other charge than that they had a son, husband, or brother in the Confederate army.[35] When the "female prisons" were filled, the women were dispersed to the four corners of the earth. In 1863, numerous women from Pendleton County were arrested and sent to the South.[36]

This renewed activity in making arrests brought about stern protests in the state, irrespective of parties. Not only was Kentucky's high regard for women outraged, but the dignity of the state was being sadly compromised. John B. Temple, the president of the Military Board, wrote Lincoln that "The indiscriminate arrest making in this State is producing a dangerous state

[30] *Tri-Weekly Commonwealth,* Aug. 15, 1862; Collins, *Kentucky,* I, 107.

[31] *Official Records,* ser. II, vol. 4, p. 657; Collins, *Kentucky,* I, 115.

[32] *Ibid.,* 116; Smith, *Kentucky,* 653.

[33] Collins, *Kentucky,* I, 105. *Breckinridge MSS.,* 1862; Stanton *Church and the Rebellion,* 211 *et seq.* Robert J. Breckinridge, fiercely hostile to ministers of Southern sympathies, wrote August 4, 1862 that there were "ministers, pretending to be horrified at every mention of political affairs by professing Christians; while they are themselves at the same time, such turbulent traitors, that the peace of society requires their own incarceration." *Breckinridge MSS.,* 1862.

[34] Collins, *Kentucky,* I, 103, 104.

[35] Shaler, *Kentucky,* 348.

[36] *Tri-Weekly Commonwealth,* June 3, 1863; Collins, *Kentucky,* I, 123, 136.

of things. Quiet, law-abiding men holding State-rights dogmas are required to take an oath repulsive to them or go to prison, who are willing to take an oath substantially pledging alliance to State and United States."[37] Secretary Stanton in August (1862) ordered Boyle to slow up on his arrests, and to use "much caution" in making them "and only where good cause exists or strong evidence of hostility to the Government."[38] A few days later the provost marshal condemned the excessive zeal of his agents and ordered them to make arrests only after the charges had been supported by the written affidavits of one or more responsible men.[39] As had already been shown and was yet to appear time and again, the exaggerated zeal of subordinates could not be controlled as long as they were allowed to make any arrests at all. On September 15th (1862), Governor Robinson wrote Lincoln, "I find great dissatisfaction and I fear injury to the Union cause in Kentucky from an irregular and changing system of military arrests, which as now organized and administered, does more harm than good."[40] On the same day Stanton took the whole matter in hand and ordered Boyle to make no further arrests "except upon the order of the Governor of Kentucky."[41] This was a remarkable victory for the state, and conditions for a time were much better; but they soon drifted back as they were before, and by the end of the year protests were going up again with Senator Powell in the United States Senate busily fighting the battles of the political prisoners.[42]

The policy of wholesale arrests undoubtedly defeated the purpose it attempted to serve. Instead of turning people toward the Union it sent them into the Confederacy in sentiment if not in person. In January, 1863, Garret Davis declared that "fully one-third of the State of Kentucky are disloyal."[43] Through it all the state became increasingly critical of the acts and purposes of the Federal Government and a deep-seated discontent began to lay hold of the people. The Lincoln administration was already beginning to lose much of whatever popularity it had been able to arouse. In February, 1862, James F. Robinson, later to become governor, said, " Mr. Lincoln is our constitutional President, but

[37] *Official Records,* ser. II, vol. 4, p. 378. Aug. 12, 1862.
[38] *Ibid.,* 380, 381. Aug. 13, 1862.
[39] Collins, *Kentucky,* I, 109.
[40] *Official Records,* ser. I, vol. 16, part 2, p. 519.
[41] *Ibid.,* 519; ser. 2, vol. 4, p. 517.
[42] *Ibid.,* 95; McPherson, *History of the Rebellion,* 181.
[43] *Congressional Globe,* 37 cong., 3 sess., part 1, p. 186.

the administration is not our glorious Government. True loyalty to the latter requires that we do not submit to the errors and usurpations of the former. . . ."[44] John W. Finnell, of the Military Board, saw the Unionists "daily losing ground in Kentucky and what it is to end in God only knows."[45] Governor Magoffin in August (1862) in his call for a special session of the legislature took occasion to make a severe arraignment of the military régime;[46] and in his message a few weeks later he repeated his indictment.[47] Lincoln, clearly seeing the meaning of Kentucky's protests, advised Halleck that "They are having a stampede in Kentucky. Please look to it."[48]

One year of Federal occupation made Kentucky a hot-bed of discontent and aroused in her a suspicion of almost every act of the National administration. A Union man wrote R. J. Breckinridge in December, 1862, that "the North Administration or Congress have always persisted in *insulting, abusing,* and *neglecting* Kentucky. Never properly appreciated her delicate position, never acknowledged her loyalty when the Councils of the nation were blessed with her wisdom and Patriotism and every battlefield bathed in her best blood."[49] So upset were Kentuckians that a rumor was started to the effect that R. J. Breckinridge had advised the withdrawal of all Kentucky troops from both armies to be used to "drive the Yankees from her soil."[50]

An even more fundamental danger besetting the state was the meddling of the military with the judiciary. Army commanders of low rank and high took it upon themselves to be judges of the loyalty of state courts, and when they failed to meet their requirements, they proceeded to reform them or close them down. The court at Warsaw was dispersed on the grounds that the judge, sheriff, and jury were secessionists,[51] and the courts generally were interfered with in western Kentucky. All court officials including the juries were required to take a special oath and a record of it was to be made for the military authorities. The judges and other officers at Smithland and Paducah refused to take the oath on the grounds that to do so would be an admission

[44] *Crittenden MSS.*, XXVI, 5423, 5424. Robinson to Crittenden, Feb. 6, 1862.
[45] *Ibid.*, XXVII, 5514, 5515. Finnell to Crittenden, April 26, 1862.
[46] *Tri-Weekly Commonwealth,* Aug. 5, 1862.
[47] *Ibid.,* Aug. 15, 1862.
[48] Nicolay and Hay, *Works of Lincoln,* VII, 275. July 13, 1862.
[49] *Breckinridge MSS.,* 1862. L. B. Todd to Breckinridge, Dec. 23, 1862.
[50] *Ibid.* L. B. Todd to Breckinridge, Dec. 9, 1862. The rumor, of course, was not true.
[51] *Cincinnati Commercial,* April 4, 1862.

of the right of the army officers to require it. Crittenden protested against this interference to Secretary Stanton. Disrespect to the courts, he said, was "disrespect to the State, and that surely cannot be necessary to the proper repression of rebellious movements in Kentucky."[52] George Robertson soon lost his patience and declared in November, 1862, to Crittenden that "Our people are already ripe for popular uprising against military usurpation and defiance of our laws, our peace, and the cause of the Union."[53]

Of even greater danger to the life of the state than the military disruption of courts was military interference with elections. This practice was instituted with the first election after neutrality had been abandoned and was continued throughout the war, driving the state at times into almost open rebellion. In order to facilitate elections in counties where the officials had joined the Confederacy or where they should refuse to call elections, the legislature provided that any three loyal citizens might open the polls.[54] This action left the military no excuse for stepping in. The first election after the state entered the war came in August, 1862, and was held to fill county offices. As it was evident to all that this event would be an important index to the feeling of the state, the military authorities took occasion to influence the results. In arguing for a full vote by the Union men the *Tri-Weekly Commonwealth* said, "Votes these times serve as a kind of Military Census, telling how many loyal men there are in a county, and where there is strength it ought to be shown so that all may see what the state has to rely upon."[55] As various county meetings preceding the election had assumed a critical attitude toward the Lincoln administration,[56] there was some fear especially on the part of the military commanders that the state would not make a patriotic showing. To avoid this danger General Boyle issued on July 21st an order, threatening to arrest and punish for treason any person running for office who was hostile in his opinions to the National government.[57] The Union ticket was successful everywhere, as citizens of the opposite view would have been seeking arrest and prosecution had they advertised the fact by voting against Union candidates. Military interference was not so

[52] *Tri-Weekly Commonwealth,* Aug. 15, 1862; Collins, *Kentucky,* I, 106. 107.
[53] *Crittenden MSS.,* XXVII, 5640, 5641. Nov. 26.
[54] *Acts of Kentucky,* 1861, pp. 48, 49. Dec. 23, 1861.
[55] July 30, 1862.
[56] *Louisville Journal,* May, June, July, 1892, *passim.*
[57] *Ibid.,* July 22, 1862; Collins, *Kentucky,* I, 104, 105.

marked nor popular condemnation so evident in this election as in later ones.

The most persistent and aggravating problems endangering the good relations of Kentucky with the national government grew out of slavery and the question of the negro. Perhaps on no other question were the feelings of Kentuckians so united and deep-rooted and so easily stirred and upset. The feverish excitement produced by Frémont's proclamation has already been noted. Kentucky entered the war with a certain uneasiness as to what might ultimately happen to slavery, but she did not fail to fortify her position by making it clear. In her resolution abandoning neutrality she held that no slave should "be set free by any military commander."

The suggestion early made that the slaves should be freed and armed produced great excitement in Kentucky. On November 23, 1861, a meeting of Union men was held in Frankfort, which declared that such action "is abhorrent to every principle of humanity and Christianity, and in its results would add to the calamities of the present civil war the additional horrors of servile insurrection, murder, rapine and plunder, by the black race against the white, throughout the slave states of the Union."[58] The legislature followed shortly afterwards with a resolution holding that slavery was a state institution guaranteed by the Federal constitution and stating that "we cannot agree that the National Government, to which we are and intend to be loyal, shall undertake the emancipation of slaves against the will of the slave holding States."[59] The demand went up that Secretary Cameron, who favored the arming of slaves, should be dismissed from the cabinet.[60]

Immediately after the Federal forces entered Kentucky the question arose with army officers as to what to do with the slaves who took secret leave of their masters in the excitement and turned up in the military camps. In answering the inquiry of a subordinate, Sherman said, "Better keep the negroes out of your camp altogether, unless you brought them along with the regiment."[61] But many army officers, especially those from the North, sought no advice from Sherman or the Kentuckians or else dis-

[58] *Rebellion Record,* III, 415, 416 (doc.)

[59] *Annual Cyclopædia,* 1861, p. 403. Nov. 27, 1861.

[60] *Acts of Kentucky,* 1861, pp. 120, 121; Collins, *Kentucky,* I, 98. Resolution of legislature, Dec. 23, 1861.

[61] *Official Records,* ser. I, vol. 4, p. 307. Sherman to Colonel Turchin, Oct. 15, 1861.

regarded it, for they were disposed to carry along all slaves who came into their possession. One officer wrote in November, 1861, "I have no faith in Kentucky's loyalty, therefore have no great desire to protect her pet institution, slavery."[62] Buell later informed Kentuckians that his policy was to restore all slaves to their owners, but he stated that in a large army it was difficult to carry such a program out, adding the assurance "that the mass of this army is law-abiding, and that it is neither its disposition nor its policy to violate law or the rights of individuals in any particular."[63] Boyle, who instituted the campaign of political arrests, showed his Kentucky training when it came to dealing with slaves. In November, 1862, he issued an order forbidding anyone in the army to intermeddle in any way with slaves or permit them to enter military camps.[64] But rules were easily changed and in the following December, Col. J. H. McHenry was dismissed from the army for calling on slaveholders, without respect to their loyalty, to come and get their slaves.[65] Excitement ran high and McHenry became a popular hero. The legislature, after much heated argument over carrying the case to Lincoln, passed a resolution praising McHenry and endorsing his action.[66] There was no uniformity in the treatment of runaway slaves by the different commanders, and the result naturally followed that Kentucky marked down another grievance against military occupation.

Whenever use could be made of the slaves in camp, the temptation was great to hold them; and when important projects were begun by the army, slaves were not only held for labor but efforts were made to bring them in. This practice of putting slaves to work on military projects was first begun with the slaves of Southern sympathizers.[67] But larger undertakings by the army called for more slaves, and the policy of levying only on Southern sympathizers for slaves was soon abandoned. A network of wagon roads had to be constructed over which military supplies should go; fortifications had to be built; and even the construction of military railroads was begun. Large numbers of slaves were early set to work on a road from Central Kentucky to Cumberland Gap;[68] and by the middle of 1863, Boyle was calling for

[62] *Ibid.*, 337. A. M. McCook to Sherman, Nov. 5, 1861.
[63] *Ibid.*, vol. 10, part 2, p. 15. Buell to J. R. Underwood, March 6, 1862.
[64] *Rebellion Record*, VI, 19 (diary); Collins, *Kentucky*, I, 116. Nov. 27.
[65] *Tri-Weekly Commonwealth*, Dec. 15, 1862.
[66] *Cincinnati Gazette*, Feb. 25, 26, 1863; Collins, *Kentucky*, I, 121.
[67] See *Cincinnati Commercial*, Nov. 14, 1861; Aug. 23, 1862.
[68] *Ibid.*, Feb. 4.

6,000 slaves to extend the railway from Lebanon to Danville.[69] Threats of arrest and imprisonment besides the seizure of all slaves between 18 and 45 were made against masters failing to deliver slaves called for. In the western part of the state along the rivers, gunboats made raids on the slave-owners and carried off all the slaves desired; and at Lexington soldiers appeared at the end of services in one of the largest negro churches in the city, and arrested all negro men and lodged them in jail to be sent the following day to work on the military roads.[70] As to payment for the services of slaves, "Those of loyal owners will be paid for, as other laborers in Government employ—those of disloyal owners, referred to the Department at Washington for adjustment."[71] The actual result was that loyal owners had great difficulty in making collections and many failed altogether, while the disloyal were never able to secure a hearing.

The state was plunged even into greater despondency when Lincoln suggested compensated emancipation in July, 1862. He told the representatives of the border states that the final evidence of their unalloyed Unionism would be the freeing of their slaves and that he stood ready to give compensation not exceeding $300 apiece. The Kentucky delegation, which included Crittenden, Garret Davis, and C. A. Wickliffe, answered Lincoln with the feelings of a heavy heart and hurt pride. Recounting how Kentucky had loyally supported the Union "under the most discouraging circumstances, and in the face of measures most distasteful," they informed Lincoln that his proposition was "nothing less than the deportation from the country of $1,600,000,000 worth of producing labor, and the substitution in its place of an interest-bearing debt of the same amount." They had no assurance that Congress would vote the money, and furthermore they failed to see why sacrifices should be expected from them "from which others no more loyal were exempt."[72]

[69] Collins, *Kentucky,* I, 110, 124, 128; *Cincinnati Commercial,* Aug. 26, 1862.

[70] Collins, *Kentucky,* I, 120, 129, 134.

[71] *Cincinnati Commercial,* Aug. 26, 1862. From an impressment order. The following is a copy of a receipt: "PROVOST MARSHAL'S OFFICE, Lexington, Ky., September 1st, 1863.

RECEIVED of Rev. R. J. Breckinridge Two (2) able bodied Negro men, to be used on the public works of the United States Government.

G. L. Postlethwaite, Agt.

Named
George & Jacob." *Breckinridge MSS.,* 1863.

[72] Cooper, *American Politics,* I, 137-140; *Rebellion Record,* I (Supplement), 368-373.

When the proposition was laid before the Kentucky legislature, a committee was appointed to investigate its advisability; but in fact no investigation was necessary, for the minds of all Kentuckians were already made up. The committee speedily made an adverse report in which it bitterly arraigned the Federal government for its long course of broken promises and their blighted hopes. It said in part: "Unhappily for our country, the dominant party in the Congress of the United States are bent on the destruction of the Constitution and the Union. No course which the direst enemy of our country could have imposed would, in our opinion, have borne more bitter fruit than the action of that party has produced. We have viewed with alarm the rapid strides which the dominant party in Congress has made toward the prostitution of every guarantee which the Constitution provides for the dearest rights of the people. They have endeavored, through the instrumentality of the executive and Congress, to strip the people of the disaffected States of their property; they have passed confiscation bills, in utter violation of the plain provisions of the Constitution; they have sought to take away from those people their State governments, and reduce them to a state of territorial vassalage; they have declared their purpose to free the slaves of the rebel States, and elevate them to an equality with the white man; they have declared that the war should be prosecuted until slavery shall be swept from the entire land; they proclaim that they are against restoration of the Union unless slavery is abolished." There was in this something more than bitter condemnation; the threat was made that the state would oppose the Congressional program "by all peaceable means, and if the time should come when the counsels of reason shall no longer be heeded, when the barriers erected by the Constitution shall no longer afford protection, then will Kentucky rise up as one man and sacrifice the property, and, if need be, the lives of her children in defense of the Constitution under which alone we can ever hope to enjoy national liberty."[73]

The Union men were in the sloughs of despondency; while the Southern sympathizers could point to their predictions of a year previously and now join their political opponents in condemning the course of the National government. Leslie Combs wrote Crittenden that the action of the abolitionists in Congress was

[73] *Annual Cyclopædia,* 1862, pp. 541, 542. The report was, of course, adopted. On March 12, 1862, Garret Davis presented various petitions to the Senate from Kentucky calling on Congress to cease discussing schemes to free the slaves and instead devote its energies to saving the country. *Rebellion Record,* IV, 58 (diary).

"not only endangering the August [1862] election, but our *levies* and *property*." "The Rebels," he said, "are thoroughly organized throughout the State & ready to burn and kill, at any moment."[74] Secretary Chase claimed that the *Louisville Democrat* had now come out openly for disunion on the grounds that the abolitionists controlled the government, and he said that Lincoln considered it a declaration of hostility from the entire Douglas party in Kentucky.[75] Even Magoffin's political enemies could now join him in pouring out invectives against the National government.[76]

One disappointing surprise after another seemed to be in store. Before the state had recovered from Lincoln's compensated emancipation proposition, it was given a stunning blow in his preliminary proclamation of emancipation of September 22nd (1862); but as it was provisional and would not go into effect until January 1, 1863, the full vigor of opposition was reserved until later. But occasion was taken at this time to condemn again abolitionism and all who stood for it. Union men in Bracken County had just recently driven John G. Fee across the Ohio River for preaching freedom for the slaves and had threatened to hang him if he returned;[77] and the state was now in no mood for any sort of emancipation. Prentice declared in his *Journal* that an "emancipation paper in Kentucky, not sustained by Government patronage, could not live a month and, if it should be sustained by the Government, that one fact, notoriously as it necessarily would be, would tend to render the Government and its policy exceedingly odious."[78] Abolition was considered to be just as much treason as secession was. "We have said that," according to one editor, "and repeat it, that treason to the Constitution is as bad as treason to the Union."[79] Lincoln's preliminary proclamation identified him with the abolitionists, in Kentucky, and according to one of the staunchest Union men in the state, "Many of our most faithful and best men . . . are expressing doubts as to his ability."[80] Even Robert J. Breckinridge, the staunchest friend of the Union in all the state, held that Lincoln's policy concerning slavery was dangerous and unwise.[81]

[74] *Crittenden MSS.*, XXVII, 5572. May 13, 1862.
[75] "Chase Diary" in *Annual Report of American Historical Association*, 1902, II, 53.
[76] *Tri-Weekly Commonwealth*, Aug. 15, 1862.
[77] Collins, *Kentucky*, I, 111.
[78] Dec. 2, 1862.
[79] *Tri-Weekly Commonwealth*, Dec. 8, 1862.
[80] *Holt MSS.*, XXXVI, 4745. T. S. Bell to Holt, Dec. 22, 1862.
[81] *Danville Quarterly Review*, Dec., 1862; *Breckinridge MSS.*, 1863.

As the Southern States failed to comply with Lincoln's conditions by laying down their arms, he issued his celebrated document as promised. It was, of course, wholly unconstitutional, except as it might be construed as a war power, and by its specific provisions could not free a single slave at the moment when issued. It did not apply to the border states; but Kentucky too well knew that all slavery rose and fell together.

The storm of disapproval that now broke had never been equalled up to this time. Virtually no one could be found to support Lincoln.[82] The state had been outraged; promises had been broken; its feelings had been played with. "It is no use to recall the President's promises," said one editor, "sealed by all that could make them sacred. Entreaties, pledges, objurgations, tears, were all poured out upon the border-State men to induce them to believe that it was not his intention to interfere with the domestic institutions of the State." Fierce anger turned into sarcasm and ridicule: "There will be no danger in Tennessee of the proclamation taking effect; but it will take effect in our own State. . . . Jeff. Davis could declare all the blacks in the North slaves with fully as much effect as Lincoln could at present declare all the blacks in the South free. . . ."[83] The legislature met eight days after the proclamation went into effect, and the full force of the state government's opposition was soon shown. Governor Robinson declared the proclamation was a gross injustice to the state and showed poor gratitude on the part of Lincoln for what Kentucky had done. It was an unwise move from every standpoint; it would only rivet the determination of the South to fight the more tenaciously for home and family. The slaves freed would be a greater problem than in bondage. Kentucky could never be thankful for outside interference with her own affairs and when she wanted such activities "she claims the privilege of originating the suggestion." It would be foolhardy for Kentucky to rise up single-handed against this usurpation, but the time was coming soon when all the loyal states would suffer no longer, and until then Kentucky would maintain her present status. He called upon the legislature to protest in befitting terms.[84] According to the correspondent of the *Cincinnati Gazette,* the message "gives universal satisfaction." He did not believe a man could be convicted of treason anywhere in the state. He declared "the opinion seems

[82] Stanton, *The Church and the Rebellion,* 356-358.
[83] *Tri-Weekly Commonwealth,* Jan. 5, 1863.
[84] *Cincinnati Gazette,* Jan. 9, 1863.

to be universal here that the President has taken a larger stride in the walks of treason, than any of those now in arms against the government; that he has proved false to his platform, his pledges, and to his once ardent supporters and coadjutors in the Border Slave States."[85]

Resolutions immediately began to pour in upon the house and senate. The legislature was hostile to Lincoln to the last man and the only point to discuss was the wording of the resolutions, "whether they should be calm, dignified, and indignant or whether 'to curse like a very drab' and clothe their 'protest' in withering adjectives *a la Indiana*. . . ."[86] Resolutions of all degrees of hostility were offered, some calling the soldiers home;[87] but finally on March 2nd a series was passed, combining the various grievances of the state. A distinction was drawn between the government and the administration; opposition to the latter did not constitute hostility to the former. The assembly had a right to differ with the national executive and they thereby pronounced the emancipation proclamation "unwise, unconstitutional, and void."[88] They would heartily welcome back the seceded states and willingly co-operate with them in securing guarantees for all their rights and interests. Delight was expressed at the manifestation of conservative sentiment shown in the recent elections.[89]

Although the legislature had passed resolutions of vigorous sentiments, still it did not go the limits advocated by many citizens and really expected by some of the military authorities. Many people came to the conclusion that "they had been pulling too hard at the wrong end of the political rope";[90] but the conservative sentiment over the state was against so heroic a program as immediately withdrawing Kentucky troops from the Federal arm-

[85] Jan. 10, 1863. "The most loyal will not endorse the President's proclamation of emancipation. . . ." *Cincinnati Gazette,* Feb. 10, 1863.

[86] *Ibid.,* Jan. 14, 1863. J. W. Finnell in a letter to Crittenden, January 26, 1863 said, "The Union cause has been greatly weakened in Kentucky by the Proclamation of the President of September & January.

"The Chief difficulty will be to prevent the passage of resolutions threatening and full of menace." *Crittenden MSS.,* XXVII, 5675, 5676.

[87] *Cincinnati Gazette,* Jan. 31, 1863.

[88] This resolution was passed by the house 78 to 3, and by the senate unanimously.

[89] *Acts of Kentucky,* 1863, pp. 391-393; *Cincinnati Gazette,* March 3, 1863; Collins, *Kentucky,* I, 120, 121. Madison C. Johnson sent a set of resolutions favoring the independence of the South, to Judge R. A. Buckner, who, however, refused to introduce them in the legislature. Crittenden commenting on it, said: "I think them worthy of preservation as showing the views of so wise and honest a patriot." *Crittenden MSS.,* XXVIII, 5723.

[90] Rothert, *History of Muhlenberg County,* 314.

ies and seceding. Nevertheless, according to that same sentiment, "We protest against the whole abolition programme and defy it. It never can and never shall succeed."[91] General H. G. Wright, commanding Federal troops in the state, in December, 1862, became highly excited over the impending secession of the state—in his mind certain to come if the proclamation were issued and the legislature should meet. He claimed to have established the fact that two-thirds of the legislature favored secession,[92] that the governor would advocate it in his forthcoming message, and that the Court of Appeals had a disloyal majority, which stood ready to reverse all judgments against the rebels. He wrote General Halleck for permission to cope with the situation. His plan was to station several Northern regiments near Frankfort, and arrest all members of the legislature who should make disloyal speeches or vote for secession, and to arrest the judges at the first indication of disloyalty.[93] Lincoln was informed of the plan, and his approval was secured for all parts of it except for the arrest of members of the legislature for disloyal speeches and the arrest of the judges.[94] There can be no question that the danger of the disaffection of Kentucky was grave and deep-seated; and had the leaders decided to withdraw the state from the war, and perhaps, from the Union, the people would have needed little urging to approve and follow. As it was, a number of Kentucky officers resigned their commissions on hearing that the proclamation had been issued.[95]

In her actual dealings with slavery Kentucky took no notice of the proclamation, except to pass legislation to nullify its execution. The document had little effect on the traffic in slaves, and although the price necessarily went down in the face of the general disorganization, still in 1864 slaves were selling for $350 to $500 apiece.[96] Advertisements in the press of the state for slaves "for which liberal prices will be paid" were not uncommon.[97] Although the proclamation freed no slaves in Kentucky, yet as the news spread, it greatly upset many of them. Particular efforts were made correctly to inform them and quiet them by having

[91] *Tri-Weekly Commonwealth,* Jan. 5, 1863.

[92] *Official Records,* ser. I, vol. 20, part 2, p. 287. Dec. 31, 1862.

[93] *Ibid.,* 282. Dec. 30, 1862.

[94] *Ibid.,* 308.

[95] Collins, *Kentucky,* I, 118.

[96] *Ibid.,* 102, 129. In May, 1862, a lot of eleven slaves was sold in Richmond (Kentucky) at an average of $246 apiece.

[97] For example, *Frankfort Commonwealth,* Feb. 26, 1863.

explanations made in their churches and at other gathering places.[98]

But as the armies marched southward and freed the slaves, they were set in motion, drifting aimlessly in every direction, but generally headed northward. Kentucky early saw that she lay in the pathway of this drifting menace, and passed laws to cope with it, albeit in doing so she contemptuously thrust aside the emancipation proclamation. On March 2, 1863, she passed a law forbidding any negro, "claiming or pretending to be free" under the emancipation proclamation to enter the state, and anyone of this description found in the state should be immediately arrested and placed in jail to be dealt with as the laws on runaways directed.[99] Accordingly the newspapers were soon crowded with advertisements of runaways from the seceded states, calling upon their masters to "come forward, prove property, and pay charges," or they would be resold at the end of one month.[100] In one issue of the *Tri-Weekly Commonwealth* the following slaves were advertised: In Oldham County jail, 16 from Tennessee, 1 from Louisiana, 4 from Mississippi, 5 from Alabama, and 1 from South Carolina; in the Jefferson County jail, 2 from Missouri, 2 from Virginia, 35 from Tennessee, 7 from Mississippi, 19 from Alabama, and 1 from South Carolina.[101] A refund was provided for any slaves sold by the state for jailer's fees and later seized by the military authorities.[102] By August 10, 1863, the state had received over $3,000 from the sale of runaway slaves unclaimed.[103]

This was the state's reply to what it considered to be an unconstitutional move by the Federal government. It was a clear nullification of the Federal authority; as fast as negroes freed by the proclamation appeared in Kentucky they were seized and enslaved again. Thus did Kentucky secure some balm for her wounded feelings; and again did she defy Lincoln: "She has never, and never will, endorse the President's proclamation, or recognize it in any manner whatever, except to treat it as an

[98] *Louisville Journal,* Dec. 1, 1862.

[99] *Acts of Kentucky,* 1863, p. 366; *Tri-Weekly Commonwealth,* April 8, 1863.

[100] *Acts of Kentucky,* 1863, p. 362. Law on runaways, March 2, 1863.

[101] March 20, 1863. See also *Cincinnati Gazette,* April 8, 1863; Feb. 26, 1864.

[102] Four slaves were sold in Louisville April 26, 1863, which the provost marshal held had been freed by Lincoln's proclamation. The buyer disregarded him and the case was appealed to the Federal district court. *Rebellion Record,* VI, 67 (diary).

[103] "Annual Report of the Auditor" in *Kentucky Documents,* 1863.

absurdity and a nullity. She does not intend that runaway slaves shall swarm through her borders."[104]

During the late summer and fall of 1862 the times were more momentous in Kentucky in some respects than they were ever destined to be again throughout the war. The Confederates made their last great concerted effort to wrest the state from the Union and occupy it as part of the Confederacy. Various causes conspired to make this the proper time to carry out the attempt. The rising discontent in Kentucky against the military régime could be capitalized; and much faith was put in a friendly reception. The military situation in the Mississippi Valley was also of first importance. A successful invasion of Kentucky would do much to retrieve the almost continual Confederate disasters of the preceding year. Important Confederate activities were presaged by John Morgan's rapid movement into the state in July. This was the first of his long list of cavalry raids carried out with great skill and bravery far in the rear of the enemies' lines, spreading terror and consternation among the Federal detachments and garrisons.[105] Interested only in breaking communications and disorganizing the enemy, he moved with great rapidity and seldom gave battle unless forced to it.[106] A spectator in describing his entry into a town on county court day said he "came in upon us with a perfect whiz, filling the public square, streets, and alleys before we were hardly aware of it."[107]

He pierced Central Kentucky from Tennessee and went as far north as Cynthiana. Perhaps he was not unmindful of the fact that his presence might have beneficial effects on the approaching August elections.[108] He issued from Georgetown a proclamation in flaming language to win over any that might be wavering:

"Kentuckians!

I come to liberate you from a despotism of a tyrannical faction and to rescue my native State from the hands of your oppressors. Everywhere the cowardly foe has fled from my avenging arms. My brave army is stigmatized as a band of guerillas and maraud-

[104] *Tri-Weekly Commonwealth,* April 17, 1863.

[105] A minor raid had been made during the previous May up the Louisville and Nashville Railway.

[106] Morgan was the real originator of this most effective mode of warfare. See Shaler, *Kentucky,* 287, 288; *Reminiscences of General Basil W. Duke, C. S. A.* (Garden City, 1911), 87, *passim.*

[107] *Louisville Journal,* May 21, 1862.

[108] See *ibid.,* July, 1862, *passim.*

ers. Believe it not. I point with pride to their deeds as a refutation of this foul aspersion. We come not to molest peaceful individuals or to destroy private property, but guarantee absolute protection to all who are not in arms against us. We ask only to meet the hireling legions of Lincoln. The eyes of your brethren of the South are upon you. Your gallant fellow-citizens are flocking to your standard. Our armies are rapidly advancing to your protection. Then greet them with the willing hands of fifty thousand of Kentucky's brave. Their advance is already with you. Then

"STRIKE FOR THE GREEN GRAVES OF YOUR SIRES!
"STRIKE FOR YOUR ALTARS AND YOUR FIRES!
"GOD AND YOUR NATIVE LAND."[109]

Twenty-four days after he had entered, Morgan departed, and in the words of his laconic report he "travelled over a thousand miles, captured seventeen towns, destroyed all the Government supplies and arms in them, dispersed about one thousand five hundred home guards, and parolled nearly one thousand two hundred regular troops." His own loss was about ninety.[110] On this raid as on others he seized telegraph offices or tapped the wires, learned all the news about the enemy, and if their positions and movements did not suit him, he instructed his lieutenants to pose as Federal agents and to remedy the situation.

The main Confederate forces entered Kentucky in September under Bragg and Kirby Smith, the former marching from eastern Tennessee to the westward before entering and the latter passing in through the eastern mountains. Seldom did the Confederates ever find an opportunity so enticing and never did they make worse use of one. The state lay before them with Cincinnati and Louisville theirs for the taking. But due to the inexcusable delay and dilatory tactics of Bragg, who was in supreme command, both prizes slipped away and within a month Bragg was forced to retreat into Tennessee. Kirby Smith soon after entering the state completely annihilated the Federal armies in a series of battles around Richmond, marched on Central Kentucky and possessed it, and was threatening Cincinnati, while Bragg was leisurely proceeding toward Louisville, only to let Buell beat him there. On October 8th, the bloodiest battle ever fought on Kentucky soil

[109] Original handbill preserved in *Breckinridge MSS.*, 1862. July 15.
[110] *Rebellion Record*, I (supplement), 298; V, 284-286 (doc.)

took place at Perryville; the Confederates were forced to retire from the state and to give up the last opportunity they should ever have for possessing it.[111]

The Confederates had entered the state with the hope and feeling that the people would rise up and welcome them, anxious for relief from the intolerable military régime. They made ample use of propaganda proclamations as they entered. Smith proclaimed the strictest discipline in his army and announced that private property should be respected. True enough his sustenance had to come from the land, but it should be paid for.[112] Buckner in vivid words reminded the people of their degradation: "Your property has been stolen or destroyed; your slaves have been taken from you on the plea that you are disloyal—disloyal to the tyranny and the usurpation which seek to take from you even the right of peaceful remonstrance; your houses have been invaded by armed soldiers; you have been compelled to endure, at the point of the bayonet, unwarranted searches; our fair women have been compelled to render the most menial services to the hirelings of the North, who have assumed to be your masters; no fireside has been free from these ruthless intrusions."[113]

In striking contrast to the campaign of political arrests carried on against Southern sympathizers, General Smith re-assured Robert J. Breckinridge, the most bitter opponent the Confederacy had throughout the state, that he was perfectly safe and should not be molested. "The principle that we maintain," he said, "is the right of free opinion and free expression in all things political and further the right of every state to choose its own political affiliation."[114]

General Bragg in his proclamation to the people declared that he was entering the state "more as a nucleus around which the true men of Kentucky could rally than as an invading force against the Northwest."[115] He was anxious to put the Provisional government on a real footing in the state; he also expected to gain many recruits; and he was not without hope of collecting huge supplies of army provisions. As has been noted, the Provisional governor spent a brief hour in the capital while the Confederates

[111] For an excellent general account of the campaign see Shaler, *Kentucky*, 287-330.

[112] *Cincinnati Commercial*, Sept. 5, 1862. See also *Works of Jefferson Davis*, ed. by Dunbar Rowland, V. 356. Davis to T. H. Holmes.

[113] *Official Records*, ser. I, vol. 52, part 2, pp. 358-361.

[114] *Breckinridge MSS.*, 1862. Smith to Breckinridge, Sept. 2, 1862.

[115] *Official Records*, ser. I, vol. 52, part 2, pp. 367, 368. Sept. 29.

possessed Frankfort.[116] Kentucky had been affording considerable numbers of Confederate recruits since the beginning of the war, and according to the *Louisville Journal,* in May, 1862, their recruiting agents were "working with all the concentrated energies of hearts and souls filled with disappointment, hate, wrath, and revenge."[117]

The Blue Grass region continued to show itself to be the center of Southern sympathies. In March, 1862, amidst great excitement, a Confederate soldier had been buried in Lexington draped in the Confederate flag. An observer wrote, "The Rebels are extremely bitter here, and if more troops are not sent into Ky. I fear we will have blood shed here."[118] On entering Lexington General Smith was "welcomed with smiles and shouts and waving of handkerchieves by the delighted Southern sympathizers, who, with hosts of men, women and children from all the surrounding counties, crowded the sidewalks to say 'God speed' to the tattered and almost shoeless heroes, who came proudly marching by."[119] Secretary of State Judah P. Benjamin said in the latter part of September that the people "are joining us *en masse* and no doubt is entertained that that great State is at last permanently joined to our Confederacy."[120]

The Confederate conscription act was not applied to Kentucky as it was felt that large numbers would voluntarily come forward.[121] The enthusiasm of many, especially of the young men,[122] led considerable numbers to join;[123] but probably not over 2,500 came forward.[124] The contagion of this invasion caught for the Confederacy at this time W. C. P. Breckinridge, D. Howard Smith, James B. Clay, and others who were to attain military fame.[125]

[116] The legislature fled to Louisville on the approach of the Confederates.

[117] May 16, 1862.

[118] *Breckinridge MSS.,* 1862. Wm. Warfield to Breckinridge, March 21.

[119] Peter, *Fayette County,* 460, 461; *Cincinnati Commercial,* Sept. 16, 1862.

[120] Richardson, *Messages and Papers of the Confederacy,* II, 321. Benjamin to J. M. Mason, Sept. 26, 1862.

[121] *Official Records,* ser. I, vol. 52, part 2, p. 348.

[122] *Ibid.,* ser. II, vol. 4, p. 755.

[123] *Cincinnati Commercial,* Sept. 9, 1862.

[124] Shaler, *Kentucky,* 320.

[125] S. K. Smith, *Life, Army Life, and Public Services of D. Howard Smith* (Louisville, 1890); Collins, *Kentucky,* I, 111, 114. Many Southern sympathizers enlisted with Bragg rather than suffer persecution and arrest, which they knew awaited them, as they would be charged with aiding the invasion. *Breckinridge MSS.,* 1862. D. H. Smith to W. C. P. Breckinridge, July 25, 1862.

Bragg had considerable success in replenishing his commissary and also in destroying vast amounts of Federal stores. Richmond and Lexington were Federal army bases at which immense stores were held in reserve;[126] both fell into the hands of the Confederates. At Lexington they seized $1,000,000 worth of stores and arms enough for 20,000 men. A Union man later said, "Lexington afforded the Rebels when they entered it the richest harvest they have reaped during the war."[127] Besides the immense supplies seized from the Federals, the Confederates bought large stores and made payment in Confederate script.[128] They carried out of Lexington 7,000 barrels of pork and $90,000 worth of clothing.[129] They also let out contracts for making soldiers' uniforms, and advertised for scrap-iron and other metals for their foundries.[130] Bragg left the state with troops well-provided; it required two and a half days for his wagon trains to pass a given point.[131]

With his going also went the last chance of the Confederates to possess the state. The mails were restored; the old order returned, and the people settled down again into the conditions of the hated and vexatious military régime, after having experienced a month of rare excitement.

[126] *Cincinnati Commercial,* Sept. 1, 1862.
[127] Peter, *Fayette County,* 459, 460; *Cincinnati Commercial,* Nov. 7, 1862.
[128] *Ibid.,* Sept. 16, Oct. 25, 1862.
[129] *Ibid.,* Oct. 8.
[130] *Ibid.,* Sept. 16.
[131] *Ibid.,* Nov. 8.

CHAPTER IX

POLITICAL DEVELOPMENTS

With the resignation of Magoffin and the elevation of James F. Robinson to the governorship, the Unionists were in complete control of the government. They were now officially the state, and the full force of the state government was theirs to use as they pleased. The State Rights Party was for the time being cast aside and made powerless.

Yet this party held a strong strategic position; for in addition to the Southern sympathizers, who were its chief support, it was an ever ready refuge for those Unionists who could no longer endure the Lincoln administration and the military régime. The never-ending stream of arrests, the emancipation proclamation, and the various military rigors so troubled the political waters that the State Rights Party leaders might fish in them with some hope of success. The outburst of opposition everywhere that greeted Lincoln's proclamation, when scarcely a person could be found to defend the National administration, indicated to the State Rights men that they might expect a big haul. As tact and strategy required that they bury with the liabilities of the past their party name, they now claimed to be the Democratic Party and aspired to and soon laid claim to all the old traditions of that party. But the Unionists strongly denied these claims and the hostile *Commonwealth* declared they were a bunch of rebels, that their "families openly proclaim sympathy with the rebel cause, secretly send clothing and provisions to rebel prisoners, and flaunt sesesh flags and badges in the face of Union people."[1]

While the bitter resentment of the emancipation proclamation was at its height, the party sent out its call for the state convention to nominate a governor and other officers, to meet in Frankfort on February 18th (1863), six months before the election. This extraordinarily early call attracted much attention and no little alarm. The fear was expressed by many that this was an attempt to take the state out of the Union; and so great did this danger seem to them that they set out with earnestness to show

[1] *Tri-Weekly Commonwealth,* Feb. 13, 1863.

the futility of seceding at this time—how it could only make of the whole state one mighty battlefield.[2] It seemed that with Morgan's cavalry approaching from one direction and Humphrey Marshall from another, the deep-laid plan was actually being carried out. According to the *Commonwealth* the party leaders "choose this time, when they believed that this odiousness of the radical acts of the administration had prepared, or was rapidly preparing the Kentucky mind for revolt against the Union. . . ."[3]

The first blow struck against this so-called menace was on February 17th, when the house of representatives by a vote of 40 to 36 refused to allow its hall to be used by the convention, and thereby established a precedent in Kentucky political history.[4] Undaunted by this surprising opposition, the convention, consisting of 200 delegates from 40 counties, rented Metropolitan Hall and at eleven o'clock in the morning on the 18th met for business. Immediately after the convention had been called to order, before any business at all had been transacted, Col. E. A. Gilbert of the Ohio Federal infantry, in command at Frankfort, drew up his troops with fixed bayonets in front of the hall, and entered. He informed the assembly that he did not propose to let it express disloyal sentiments in Frankfort, that it was wasting its time, for if it nominated officers the military would not permit them to run, and that even if they were elected they should not serve.[5] With rude insolence he sought to browbeat them. "The Democratic newspapers," he said, "scorn and disown you. Democrats in high places and in low places, call your leaders by the one name—TRAITORS! . . . Such meetings as this you shall not hold within the limits of my command; and, to avoid difficulty, you will disperse to your homes, and in future desist from all such attempts to precipitate civil war upon your State." With impatience he refused to allow the convention to inform him of its purposes and political tenets.[6] Q. A. Gillmore in command of Central Kentucky upheld Gilbert and reiterated the threats of the military authorities. "The political status of Kentucky is by no means secure," he said, "and I deem it sounder policy to arrest at once the organization of this rebel element, before it attained such impetus, strength, and character as would demand, six months

[2] *Ibid.*, Feb. 16, *passim*, 1863.

[3] *Ibid.*, Feb. 21. The same views were held by the *Louisville Journal.*

[4] *Cincinnati Gazette*, Feb. 18, 1863; Collins, *Kentucky*, I, 119.

[5] *Cincinnati Gazette*, Feb. 18, 1863; Collins, *Kentucky*, I, 119; Shaler, *Kentucky*, 335.

[6] *Tri-Weekly Commonwealth*, Feb. 19, 1863.

hence, the exercise of force to retain the State in constitutional obedience."[7]

The action of Gilbert brought the state, Democrats and Union men alike, to a realization of what might easily be the logical result of military occupation, when an army officer could break up a peaceful political convention and order the party to disband. The state senate passed a resolution declaring that Gilbert's action was "uncalled for by the exigencies of the times, and not desired by the Union Democracy of Kentucky" and that such interference was "dangerous in its tendencies, and should not pass unrebuked."[8] Senator Powell tried unsuccessfully to have the United States Senate investigate Gilbert's actions.[9]

Gilbert's attempt to destroy this political party was a most dangerous interference on the part of the military with civil affairs. This convention had neither desire nor intention to lead the state out of the Union; it met for the purpose of nominating a governor and other officers, and it would indeed have been powerless to do anything else. That it did intend to take advantage of the deep-seated discontent, so wide-spread among the people, to gain party recruits can not be doubted, and what it might have advocated in the future would have been determined by the exigencies of the times. As it was, the party was suppressed and it seemed that the military authorities were going to allow only one party in the state and thereby make elections unnecessary.

The Union Democracy, as the party in power chose to call itself, held its state convention in Louisville on March 18th and 19th. Due to the political happenings of the past month, its Unionism was doubtless stronger than it otherwise would have been. In fact military officers were present and interested, and one of them, General Boyle, was an active candidate for the gubernatorial nomination. Joshua F. Bell, an old line Whig, who never admitted he was anything else even after the party had died, was nominated governor and Richard T. Jacob, lieutenant-governor.[10] Bell had not been a candidate, and his nomination was by no means to his liking. Due to the great pressure of his friends he allowed his

[7] *Tri-Weekly Commonwealth,* March 20. Letter dated, February 20th.

[8] *Ibid.,* March 2, 1863. This resolution later, in the absence of some of its supporters, was reconsidered and referred to the committee on Federal relations. The house by a tie vote refused to pass legislation against such actions as Gilbert's. Collins, *Kentucky,* I, 119, 120.

[9] McPherson, *History of the Rebellion,* 181.

[10] *Tri-Weekly Commonwealth,* March 23, 1863; Collins, *Kentucky,* I, 121; *Cincinnati Gazette,* March 20, 1863.

nomination to stand, but the more he thought over the situation the more unacceptable the nomination appeared to him. Finally a month after the convention, he declined to make the race. One of the reasons he gave was the state of his health, but the real determining reason was the melancholy situation of the state, dominated by the military authorities, as it was.[11] On May 2nd the Union Democratic Central committee nominated Thomas E. Bramlette, who had recently resigned from the Federal army due to a dispute over the unit he should command.[12]

There was considerable discontent among the Union Democrats due to the turn in affairs, as was well evidenced in Bell's resignation. Any party that stood too close to Lincoln and to the army was bound to be unpopular. Joseph Holt was informed that "the order of the day now in *Ky* is to denounce the measures of the administration. Lincoln is regarded as false to his pledges, his position and his country."[13] Another Kentuckian complained of "the derangement that Lycons proclamation together with all derangements government is making. Some different means has to be resorted to different to what has ever been, as to subjugation is impossible. We are all American people, full of resentment. Evenly unto death." He would have a national conservative party formed in both North and South and would favor running Alexander H. Stephens for president and Joseph Holt for vice-president.[14] The basic idea of this simple Kentuckian was by no means uncommon in the state, although he was most likely alone in the execution. People were getting tired of the war and its consequences—was peace not worth an effort? In fact a resolution had been passed by the legislature in March, calling for a national constitutional convention to propose such amendments as were necessary to save the Union and maintain it in the spirit of its founders, and another surprising resolution was passed by the house calling upon the Mississippi Valley states to meet in convention for the purpose of determining what could be done to preserve the whole government.[15]

The elements of protest and discontent could not remain unorganized forever. It was not yet to be possible for an army officer

[11] *Crittenden MSS.*, XXVIII, 5721, 5722. Bell to Crittenden, April 23, 1863. See also Collins, *Kentucky*, II, 419.

[12] *Kentucky Yeoman*, Sept. 26, 1868. Correspondence given here.

[13] *Holt MSS.*, XXXVI, 4806. J. W. Kincheloe, Jan. 18, 1863.

[14] *Ibid.*, XXXVIII, 5017. Z. T. Witt, April 8, 1863.

[15] *Cincinnati Gazette*, March 3, 1863. Resolutions, March 2nd. For peace resolution introduced in February, see *ibid.*, Feb. 10.

to disband a political party by a wave of the hand or prevent a successor from arising. There now took place a remarkable political movement, not the resurrection of the political leaders whom Gilbert had silenced, but the secession of a group of leaders from the Union Democracy itself, who could no longer tolerate it, thus giving a refuge for the political party Gilbert had driven into the wilderness. The radicalism of candidate Bramlette had done much to drive this group into a schism at this time, but the great underlying force was the desire for peace. This movement was made up of those who had stood out against secession in 1861, but who were not in favor of the usurpations of the Federal government and the reign of the military in civil affairs. In June this group, consisting of such men as W. F. Bullock, L. S. Trimble, R. C. Palmer, J. H. Harney of the *Louisville Democrat,* Nat Wolfe, Judge Joshua F. Bullitt, and W. A. Dudley, not risking a convention, called on Charles A. Wickliffe by letter to become the candidate for governor on the Democratic ticket. They recounted the usurpations of the Federal government and called the roll of the crimes the military had committed. Yet they were not secessionists for: "We hold this rebellion utterly unjustifiable in its inception, and the dissolution of the Union the greatest of calamities. We would see all just and constitutional means adopted to the suppression of the one and the restoration of the other."[16]

This party was the Peace Democrats and claimed to be the Kentucky branch of the national organization. It declared that if "this new and powerful party will act with the spirit and manhood of freemen, Kentucky will break the chains which now shackle her, and redeem her from the reproach of a tame submission to a despotism which crushes her personal and political liberties."[17]

The campaign was heated and exciting. The Union Democrats saw the strategic position held by the Peace Democracy. It was the logical party for those to support who favored secession, if any there should be, for those who were looking for peace, and for those who wished to register their protest against the military régime and the various unpopular acts of the National administration. At that time there were few Kentuckians who could not come within one of these classes. The Union Democrats adopted the tactics of carrying on a bitter warfare against their opponents, seeking to discredit them in every possible way. They were con-

[16] *Congressional Globe,* 38 cong., 1 sess. (1863-4), part 4 and appendix, 71.

[17] *Overthrow of the Ballot! A Complete History of the Election in the State of Kentucky August 3d, 1863* (pamphlet, 21 pp.), 1.

tinually assaulting them with such names as secessionists, rebels, and traitors, and even abolitionists[18]—the Union Democrats using this last term to ward off as far as possible the use of the same term against themselves. They also held high the prospect of the state being shoved into the miseries of secession should the Peace Democrats win.[19] Crittenden, who was suspected of sympathizing with the Peace party, was informed by one Kentuckian of the belief that should the Confederates have won at Gettysburg and Vicksburg, "a secession move would have been initiated" by Wickliffe and his party, "for forcing Kentucky into that bogus Southern Confederacy."[20]

But with all the motives that might be hurled at the Peace party, the Union Democrats found it hard to escape the charges that they were the supporters of the Lincoln administration, and therefore must be considered as agreeing with the emancipation proclamation and the military régime. All of this they indignantly denied and thereby produced a strange situation in which no party or group would for a moment attempt to enter a campaign with the millstone of Administration support around its neck. It became one of the features of the campaign for the Union Democrats to deny all sympathy and support for the Lincoln administration or its policies. The *Commonwealth* impatiently declared that "in every possible form, in every kind of assembly, in the Legislature, in the recent mammoth Union Convention, in one hundred county meetings, through the press—in every possible form of expression in which the people could speak—they have condemned the *administration* of Abraham Lincoln, and his insane war policy in the shape of freedom proclamations, compensated emancipation, and the use of negro soldiers." It furthermore pointedly said that "no administration man can be elected in Kentucky, in any congressional district, county or precinct."[21]

It was well for the Union Democrats that these disclaimers were made, for many Kentuckians agreed with the one who wrote, "I am an *unconditional union man* a General Jackson Democrat 'by the eternal the Union must be preserved.' But tact and policy must be preserved here, in Ky. on this negro question." If the policy of interfering with slavery was continued, the Union Democrats would lose the August elections and it would take 100,000

[18] *Tri-Weekly Commonwealth,* June, July, *passim,* 1863.
[19] *Ibid.; Cincinnati Commercial,* July, Aug., 1863.
[20] *Crittenden MSS.,* XXVIII, 5736, 5737. John Curd, July 15, 1863.
[21] *Tri-Weekly Commonwealth,* April 1, 1863.

troops to hold the state—"a thing I hate to see and own—but too true, and all for that, show these Ky. people, where they are loyal, *by acts,* that this *is no* negro war—and Ky. is all right. But we are wearing ourselves out against *hope,* if this policy is to be pursued."[22] They indignantly denied that they were Republicans and were supporting the administration; instead they were the real Democracy. Thus were two parties strenuously fighting each other, both claiming to be the real Kentucky branch of the same national party organization. There was no way effectively to settle the point at this time, as this was purely a state election in which the National Democracy had no official part. These two parties in fact corresponded roughly to the War Democrats and Peace Democrats nationally.

John J. Crittenden died about this time while running for Congress and the Union Democracy nominated Brutus J. Clay to succeed him on the ticket. General Boyle, who was still agitated by political ambitions, refused to abide by the convention and announced himself as a candidate five days before the election. Neither of these candidates was hardy enough to support Lincoln's policies. Boyle, who seems to have repented of some of the military rigors he had imposed upon the people, declared that he was "opposed to all radicalism"; and Clay announced that he was "opposed to the policy of the Administration, as to the abolition of slavery, and the enlistment of slaves as soldiers. . . ."[23]

The nearest approach to supporting Lincoln's administration was in Bramlette, who was entirely too subservient to Lincoln to suit many Union Democrats. His logic was to support the war strongly in order to end the struggle early and thereby get rid of Lincoln's war measures. "If Mr. Lincoln will not change his policy," he said, "we have no power to compel him, and we must correct these evils or leap into others far worse."[24]

One further strategy remained in the hands of the Union Democrats and that was to limit the right of suffrage and to tolerate, if not invite, military interference. Governor Robinson issued on July 10th his proclamation calling attention to the fact that all persons who had been expatriated according to war legislation were disfranchised and should be prohibited from participating in the election.[25]

[22] *Tri-Weekly Commonwealth,* July 31, 1863.
[23] *Cincinnati Commercial,* Aug. 4, 1863.
[24] *Tri-Weekly Commonwealth,* July 24, 1863.
[25] McPherson, *History of the Rebellion,* 313.

In this campaign and election the army became the dominating factor, issuing orders and prohibitions on all sides to such an extent that the freedom of the election was almost destroyed.[26] The interference that had started with Gilbert's raid in Frankfort was now carried to its logical conclusion. When it was rumored that Senator Powell might become the candidate of the Peace Democrats, Halleck notified General Burnside to keep a watch on him.[27] It had been determined by the military authorities that Wickliffe should not be elected even if every Kentuckian in the state should want to vote for him. The methods used to assure this result were: Intimidation of the voter and refusal to allow candidates to run and removal of their names if they should attempt it. To silence any civil authorities that might be disposed to interfere, General Burnside on July 31st declared martial law throughout the state, and gave as his reasons the desire to preserve the freedom of election and to prevent disloyal persons from voting.[28] Boyle issued an order on July 25th concerning the seizure of rebel property and let it be known that voting for Wickliffe would be considered proof that a person was a rebel for the purpose of the proclamation.[29] Notice was also given out that any person who attempted to vote and was unable to establish the right should be arrested and held as a rebel.[30] The following oath was required: "I do solemnly swear that I have never entered the service of the so-called Confederate States; that I have not been engaged in the service of the so-called 'provisional government of Kentucky,' either in a civil or military capacity; that I have never, either directly or indirectly, aided the rebellion against the United States or the State of Kentucky; that I am unconditionally for the Union and the suppression of the rebellion, and am willing to furnish men and money for the vigorous prosecution of the war against the rebellious league known as the 'Confederate States'; so help me God."[31]

In many counties Wickliffe's name was stricken off the ticket; in others the whole Peace Democratic ticket was suppressed; and in the First District (composing the western part of the state), Judge Trimble, the Peace Democratic candidate, was arrested and

[26] *Ibid.*, 313, 314.

[27] *Official Records,* ser. I, vol. 23, part 2, p. 230. April 11, 1863.

[28] McPherson, *History of the Rebellion,* 313; *Congressional Globe,* 38 cong., 1 sess. (1863-4), part 4, and appendix, 60; Collins, *Kentucky,* I, 127.

[29] *Congressional Globe,* 38 cong., 1 sess. (1863-4), part 4 and appendix, 59.

[30] *Overthrow of the Ballot, passim.*

[31] McPherson, *History of the Rebellion,* 313.

held in prison until after the election, and as an extra precaution his name was stricken from the ticket in most of the counties.[32] Under such strict military control the Union Democratic ticket was uniformly successful, even as it had been so determined before the election was held. Bramlette received about 68,000 votes to less than 18,000 for Wickliffe. The legislature was elected almost unanimously in both branches by the Union Democrats.[33]

Over 145,000 votes had been cast in 1860 for all the presidential candidates, whereas in this election about 85,000 were cast. Making allowances for the 41,000 soldiers in the Federal army many of whom were, however, in the state and could vote, and accounting for those Kentuckians in the Confederate army, the discrepancy between those who could have voted and those who actually cast their ballot, still remains too large when the great excitement attending the campaign is considered. The solution, of course, points to the military intimidation and control. At the time, it was not condemned by the Union Democrats in whose favor it was exercised; but later such practices came near drawing the self-same party into armed conflict with the Federal government. Undoubtedly many people were prevented by intimidation from voting for Wickliffe, and it must also be a fact that some voted for Bramlette as insurance with the military against future arrest or interference.

This election farce was bitterly condemned by the Wickliffe men, who issued "An address to the People and Congress of the United States." In it they set forth the dark trail of the military authorities, and promised never to give up the fight.[34] So flagrant was the interference that the attention of the surrounding states was attracted. The *Vincennes* (Ind.) *Sun* said, "this election was one of the greatest outrages on a free election ever perpetrated on any State. It was a victory of usurpation, terrorism and fraud over the Constitution and laws of the State of Kentucky."[35]

It must, however, be remembered that many returned Confederates and Confederate sympathizers had counted on profiting by the profound discontent in the state and that precautions in the election were hence necessary. But the course of the military authorities was so exasperating as to be later held out against them

[32] *Congressional Globe,* 38 cong., 1 sess. (1863-4) part 4 and appendix, 61, 70
[33] *Tribune Almanac,* 1864, p. 59; Collins, *Kentucky,* I, 128.
[34] *Overthrow of the Ballot, passim.*
[35] Quoted in *Tri-Weekly Commonwealth,* Aug. 21, 1863

by all Kentuckians as an additional stinging grievance against the Federal government. That any attempt would have been made to secede from the Union had Wickliffe been elected is highly doubtful; that the state would have ceased to support the war seems much more likely.

Governor Bramlette began his term by showing considerable zeal in supporting the war and the Federal administration. In his first message to the legislature in December (1863), he took a position far ahead of his party in this respect. He made the surprising statement that "We have no cause of complaint against the Federal Government." He said the negro question should not be allowed to demoralize and distract the people, when it was insignificant to a loyal person in comparison to the preservation of the Union. "The Union is indispensible to us," he said, "and we are indispensible to the Union. . . . Neither the preservation nor the destruction of slavery is essential to our State or National Existence."[36]

But many things were soon to happen which were to turn Bramlette into an entirely different man. Orders came to make soldiers out of negroes, Wolford and Jacob were arrested for criticizing the National administration, Burbridge opposed the raising of state troops; and so it was that Bramlette repented of all the promises of support he had ever made to the Lincoln government. One time he had called the Confederates "rebel hellhounds" and "marauding traitors," but now he had come closer to their point of view.[37] It now began to appear as if the last friend of the National program had deserted in Kentucky. The spirit of the state was truly described by the man who said, "I recollect hearing a man say in the fall of 1861, that he could hew the rebels down with a broadax, and in 1864 the same man declared that the war was all wrong, and that the negroes ought not to have been freed."[38]

The spark of support for Lincoln had died so low that it required fanning from without to start it again. This came in a convention engineered by Missouri radicals held in Louisville on February 22 and 23, 1864. It called itself the "Slave States Freedom Convention" and it stood for the radical program of Congress on the abolition of slavery, the arming of the negroes, and the reconstruction of the South. Most of the delegates were

[36] *Daily Commonwealth*, Dec. 8, 1863.
[37] *Official Records*, ser. I, vol. 7, pp. 518, 520.
[38] Rothert, *History of Muhlenberg County*, 315.

from Missouri, but Arkansas, Kentucky, and Tennessee were represented, with the Kentucky delegates coming from only three counties. It left a state central committee to foster the organization and keep it alive in Kentucky.[39]

Whatever attention this movement attracted in the state was bitingly hostile. The *Commonwealth* longed for a "Col. Gilbert to suppress these disturbers of the public peace, and real enemies of law, order, and the Union cause," and if one could not be found, "let the *people* . . . expel the incendiaries." It added, "This convention will be more mischievous to the Union cause in Kentucky than the rebel convention, which was suppressed by Col. Gilbert, could have been if it had been left alone."[40] The *Lexington Observer and Reporter* declared that this convention was wholly uncalled for: "The truth is the people of Kentucky are more united in opposition to the policy of the Administration than they ever have been heretofore."[41]

The chief political interest in 1864 was, of course, the presidential election, and the parties early turned their attention toward it. As the party in power had never considered itself a Lincoln or Republican party, it was only natural to expect it to prepare to send delegates to the National Democratic Convention in Chicago. A call was therefore issued by the Union Democratic Central Committee, dominated by George D. Prentice and James Guthrie, for the state convention to meet in Louisville on May 25th, and it made it plain that the delegates were to be sent to Chicago.[42] The few Lincoln supporters were greatly disappointed and chagrined that they had been unable to control the party organization, and that they were now left high and dry.[43] They claimed the party machinery had been stolen and prostituted to the base purpose of sending delegates to Chicago, when representatives should have been called for to go to Baltimore.[44] This was denounced as a bold move "on the part of James Guthrie and others attempting to seduce the Union men of Kentucky to an affiliation with notorious rebel sympathizers of the Northern States in the Chicago convention."[45]

[39] *Louisville Journal,* Feb. 15, 25, 1864; *Lexington Observer and Reporter,* Feb. 24, 1864; *Cincinnati Gazette,* Feb. 27, 1864.

[40] *Tri-Weekly Commonwealth,* Oct. 23, 1863.

[41] Feb. 17, 1864.

[42] *Cincinnati Gazette,* March 16, 1864.

[43] *Danville Quarterly Review,* IV, 414-416.

[44] *Louisville Journal,* March 17, 1864.

[45] *Breckinridge MSS.,* 1864. J. M. Ogden to Breckinridge, March 19, 1864.

Using the committee appointed by the radical convention in Louisville as a nucleus, they began to build up a party organization of their own. Robert J. Breckinridge became one of the chief leaders, using his energy and ability to weld together his following, religious, political, and otherwise, into the new party.[46] With the hope of capturing in some way the Union Democratic organization, and with an extreme desire to avoid the appearance of a mere seceding fragment, the Breckinridge radicals called their state convention to meet at the same place and time which had been chosen by the Union Democrats. They claimed to represent alone the true Union men, and in thus calling their convention they "have thought it best, for the harmony and unity of action among all true Union men in the State. . . ."[47] According to the *Louisville Democrat,* "They protest against being sold, and to counteract this sinister action of the committee, they propose getting up, in an irregular revolutionary manner, another convention, which shall consider the matter and send delegates to some other Convention."[48] They were anxious for a reorganization of the Union forces in the state and they hoped to effect it in some way by having the two conventions meet in the same city at the same time.[49]

On the appointed day both conventions met but there could be no communion between such opposites. The Unconditional Union group, as the radicals termed themselves, had 109 delegates from 56 counties and was dominated by Robert J. Breckinridge and such other men as Benjamin H. Bristow, Curtis F. Burnham and Lucien Anderson. They wanted the rebellion put down, the Union saved, and the national constitution made supreme "without any regard to what these objects may cost."[50] They were, of course, in full accord with Lincoln and sent their delegates to Baltimore instructed for him.[51] Robert J. Breckinridge, who was one of the delegates, was honored and the struggling Kentucky party strikingly recognized, by his election as temporary chairman

[46] *Ibid.*

[47] *Lexington Observer and Reporter,* April 20, 1864.

[48] Quoted *ibid.,* May 25.

[49] *Ibid.,* April 20; *Louisville Journal,* April 4, 1864.

[50] *Lexington Observer and Reporter,* May 28, 1864.

[51] *Louisville Journal,* May 26, 1864. Among the other delegates were S. S. Lusk, J. B. Bolling, G. W. Hite, Jas. Speed, T. S. Goodloe, W. L. Neale, G. C. Smith, and J. A. Prall. Breckinridge admitted that Lincoln had done things he should not have done, and he also declared that he was opposed to Negro equality and to Negro suffrage. *Knoxville Whig and Rebel Ventilator,* June 18, 1864.

of the convention. Lincoln was renominated and to try to get away from sectionalism, Andrew Johnson, a Democrat from Tennessee, was nominated vice-president.

The Union Democrats, led by James Guthrie and George D. Prentice and such others as James F. Robinson, Governor Bramlette, J. R. Underwood, Hamilton Pope, Wm. B. Kinkhead, J. B. Bruner, John B. Temple, John B. Houston, Frank Wolford, and Lieutenant-governor Jacob, elected delegates to go to the Chicago convention, instructed to vote for General McClellan for president and Governor Bramlette for vice-president.[52] This convention condemned the Congressional plan of reconstruction and the various usurpations of the Federal government, declared the war was to preserve the Union and not to destroy the constitution and the states, stood for the freedom of discussion and elections, and resolved "that we declare our unqualified condemnation of the policy of enlisting negroes in the armies of the United States, as unjust to our soldiers, degrading to our armies, humiliating to the nation, and contrary to the usage of civilized nations."[53]

There was yet another party in the state, the old Southern Rights group, which had been transformed in 1863 and with the addition of the Wickliffe Democrats had become the Peace Democracy. This group, although having no part in the state government, was potentially formidable and was growing. They declared that the Guthrie-Prentice call for a convention was not to the real Democrats, and that they would refuse to take part in such a convention unless it were made to rest on the basis of all opposed to the National administration. Due more to the pride of party organization and pride of leadership than to a difference in political tenets, no agreement was reached, and so the Peace Democrats held their state convention in Louisville on June 28th.[54] Among the leaders in this movement were C. A. Wickliffe, Senator Powell, John G. Carlisle, John H. Harney of the *Louisville Democrat,* Judge Joshua F. Bullitt, R. R. Houston, George Baber, John Y. Brown, and Asa P. Grover. The position of this convention on national politics was summed up in its resolution declaring that "the revocation of all unconstitutional edicts and pretended laws, an immediate armistice, a national convention for the adjustment of our difficulties, are the only means for saving

[52] *Louisville Journal,* May 26, 1864; Collins, *Kentucky,* I, 133; *Cincinnati Gazette,* May 27, 1864.

[53] *Louisville Journal,* May 26, 1864.

[54] *Lexington Observer and Reporter,* May 23, 1864. The call for this convention was signed by Wickliffe, Powell, Carlisle, and ninety others.

our nation from unlimited calamity and ruin." It also declared "that all assailants and enemies, either of the people or of their government, are traitors alike, whether their treason be manifested by joining a foreign foe or by fomenting civil war, by suppressing free elections, by chaining the press, by establishing political bastiles, and by ridiculing or repudiating the observance of oaths and constitutions."[55]

As this meeting claimed to represent the true Democratic Party it naturally sent its delegates to the Chicago convention. Since there was no fundamental difference between these two groups who were sending delegates to Chicago, efforts were made in Kentucky to bring about a union but without success.[56] The dispute was finally settled in the National Convention by admitting both sets of delegates as equally regular and giving each delegate one-half vote. The union was made complete when they agreed to the same electoral ticket in the fall campaign.[57] Nationally the Peace and War Democrats were reconciled to each other by the former writing the platform and the latter securing their choice for the candidate for the presidency, General McClellan.[58] The interference with the elections in Kentucky and in the other border states was called "a shameful violation of the constitution" and the warning was given that the repetition of such acts in the coming election would "be held as revolutionary, and resisted with all the means and power under our control."[59]

Never before since Kentucky had entered the war, had the political elements been divided in so clear-cut a manner, and the political atmosphere so clarified that there was a party in the state in full accord and sympathy with Lincoln and his policies. The course of this party was filled with difficulties. Their political tenets made them traitors to the state in the eyes of many Kentuckians, and they were looked upon with suspicion by Republicans outside the state, for what good could come out of Kentucky? Breckinridge was informed that Kentuckians were looked at ask-

[55] *Ibid.*, July 2, 1864.

[56] For instance, *Lexington Observer and Reporter,* July, *passim,* 1864.

[57] *Louisville Journal,* June 5, 1867; *Lexington Observer and Reporter,* Sept. 20, 1864; *Danville Quarterly Review,* IV, 417, 418.

[58] Guthrie was made chairman of the platform committee. Greely, *American Conflict,* 668. George H. Pendleton, of Ohio, was nominated for the vice-presidency. Bramlette requested the Kentucky delegation not to present his name since a campaign by him as the vice-presidential nominee would prevent him from looking after the best interests of Kentucky. *Cincinnati Gazette,* Aug. 29, 1864.

[59] Cooper, *American Politics,* II, 45.

ance in Washington and that they hardly had "a fair chance for impartial justice."[60] Much of the work of making the party go lay upon this prominent Presbyterian churchman, whom Bramlette characterized as a "reverend politician" and whom another Kentuckian called a "weathercock in politics and an Ishmaelite in religion."[61] Called upon from various parts of the state to address the "truly loyal,"[62] he appealed to the most radical, advocating measures that he dared not discuss to their full length in Kentucky.[63] He opposed the further raising of state troops to be commanded by Bramlette; he wanted no money paid to Kentuckians for their conscripted slaves until after the election ("and let their votes be the test of their loyalty"); he would have more severe curbs put on treasonable speech; and he would have all the provost marshals turned out as they were not severe enough.[64]

A prelude to the presidential election in November was the state election on August 1st, for minor county officers and for the judge of the Court of Appeals for the Second District. Encouraged by the radicals and anxious enough without encouragement, the military authorities proceeded to take over the management of the election. Lincoln issued a proclamation on July 5th establishing martial law and suspending the writ of *habeas corpus,* and although it was specifically stated that there was to be no interference with elections,[65] a condition was set up which made it easy for the military to carry out its interference. Senator Powell had succeeded in getting a bill through the Senate forbidding military authorities to interfere with elections or to approach closer than one mile to a voting place, but the House had not acted upon it.[66]

The full force of the military power was felt three days before the election, when apparently too late for the Democrats to designate another candidate General Burbridge sent an order to every

[60] *Breckinridge MSS.,* 1864. O. Beatty, Aug. 3.

[61] Collins, *Kentucky,* I, 142.

[62] *Breckinridge MSS.,* 1864, *passim.* Among the places calling for him were Louisville, Covington, Maysville, Winchester, Paris, Ashland, Lexington, Frankfort, Somerset, Harrodsburg, and Nicholas and Boone counties.

[63] George Morrison, his son-in-law, wrote him on June 17th, "I want you to stay out of the state and in the vicinity of Washington until things here are settled. You can be of more service to us there than here." *Ibid.*

[64] *Ibid.,* Memorandum, June 2nd. The president and secretary of war were to be asked to carry out this program.

[65] *Official Records,* ser. I, vol. 39, part 2, p. 163, 181; McPherson, *History of the Rebellion,* 179.

[66] *Congressional Globe,* 38 cong., 1 sess. (1863-4), part 4, p. 3160; McPherson, *History of the Rebellion,* 315. Passed Senate, June 22, 1864, by a vote of 19 to 13.

sheriff in the Second District to forbid Alvin Duvall's name to appear on the poll books. Duvall, who was standing for re-election, had been on the bench since 1856 and during the last two years had been chief justice. Although by no means a radical, he was not a strong Southern sympathizer. But the military officers and the Unconditional Union Party wanted their candidate, M. M. Benton, elected and the surest way seemed to be to order Duvall's name off the poll books. Duvall was forced to flee the state to escape arrest, and it appeared that the military had won its victory. But Kentuckians could not submit to this high-handed interference; the Democrats now nominated the venerable George Robertson, a former chief justice, and telegraphed his name on the morning of the election to the polling places. Learning of the move too late to order his name off the books, the military authorities allowed Robertson to be voted for, and, of course, he was elected.[67] So completely had the army intimidated and demoralized the people that only 11,000 votes were cast out of a possible 45,000.

Beginning about the time of this election and continuing for two weeks, a flood of arrests swept over the state, some for the purpose of removing objectionable candidates, others as a warning for the approaching presidential election, and still others on the charge of being members of "The Sons of Liberty" and of the "Knights of the Golden Circle," secret organizations greatly feared and believed to be wide-spread.[68] In their mad rush the military authorities invaded the highest court of justice in the state and laid hands on Joshua F. Bullitt, the chief justice, and spirited him away.

This presidential election was considered to be of transcending importance nationally, and the military authorities and Unconditional Union men considered it little less so in Kentucky. They felt that Lincoln must carry the state and they laid their plans accordingly. General Burbridge said he deemed "it of the utmost importance for Kentucky's future that the State should be carried for Mr. Lincoln." He used patronage to win over the lukewarm and when he could "by honorably bestowing a favor make a vote for Mr. Lincoln" he did so. But something more was necessary: "With a judicious disposition of the troops the state may be carried for Lincoln." A further strategem to be worked would be to send into the state claim commissioners to begin settling with

[67] Collins, *Kentucky*, I, 139, 140; II, 439.

[68] *Ibid.*, I, 137, 138, 148; *Official Records*, ser. II, vol. 7, pp. 228-367.

loyal slave-holders whose negroes had gone into the Federal armies "and work until after the election, at least."[69] He was reported to have said, "Now gentlemen, you all want pay for your horses and niggers and corn, and your hogs. Be cautious what record you make."[70] His idea in this matter was somewhat different from Breckinridge's, who as has been noted, would pay no one until after the election, and let it be known that only Lincoln voters would be paid at all. Another club was used: Only those supporting Lincoln would be given the trade permit, which was required by the military authorities to carry on trade.[71]

Such interference could not go unrebuked by the Democrats. Governor Bramlette, who had been aided in getting his office by just such measures, was now loud in his opposition. He wrote Lincoln on September 3rd bitterly complaining of the multifarious tyrannies and outrages of the military, of trade regulations, of military arrests and banishments of the highest government officials and others too humble to be mentioned by name, of martial law, and of intimidation. "We are dealt with," he said, "as though Kentucky was a rebellious and conquered province, instead of being as they are, a brave and loyal people." He frankly stated "I am opposed to your election, and regard a change of policy as essential to the salvation of our country." He furthermore charged against the military authorities that "Extreme measures, by which they sought to break the just pride and subdue the free spirit of the people, and which would only have fitted them for enslavement, have aroused the determined opposition to your re-election of at least three fourths of the people of Kentucky."[72]

With grim earnestness, determining that military authorities should not control the coming election, on October 17th he issued a letter of advice to the election officials and to the people. All should vote who had the right, and their qualifications were not to be determined by the military authorities. If any military officer should "show himself so regardless of duty as to assume to direct or control the officers of election, you should treat such orders with indignant contempt, and scorn obedience which implies perjury and cowardice in you." The sheriff and people were ordered to arrest any soldiers attempting to interfere, and if they

[69] *Official Records,* ser. I, vol. 39, part 3, pp. 321, 322. Oct. 16, 1864.
[70] *Kentucky Senate Journal,* 1865, p. 38.
[71] *Louisville Journal,* Nov. 11, 1867.
[72] *Kentucky Senate Journal,* 1865, pp. 32-35; *Official Records,* ser. III, vol. 4, pp. 688-690.

were unable to do so, the election should be called off. "If you are unable to hold a free election," he advised, "your duty is to hold none at all."[73]

Frank Wolford, who had already felt the heavy hand of the military authorities, uttered defiance at them now and gave warning that "the man dies" who should stand between him and the polls on election day.[74] He was now busily engaged in raising state troops with which he might enforce the threat he made about this time, that if Lincoln was elected by the bayonet, he would be displaced by the bayonet.[75]

The nation elected Lincoln but there was never any doubt as to what Kentucky would do, if the military authorities permitted. McClellan received 61,478 civilian votes; Lincoln, 26,592. Among the soldiers, who were allowed to vote,[76] McClellan received 3,068 to 1,205 for Lincoln.[77] Lincoln received majorities in 25 counties out of the 101 reporting and in 56 counties he received over 100 votes. In only 8 counties did McClellan receive under 100 votes. The state had decidedly repudiated Lincoln, yet his support was rather surprising even at that, when the attitude the state had taken almost from the beginning of the war is considered. Assuming that there were two degrees of Unionism among the Democrats, the Wickliffe men and the Bramlette wing, one may roughly arrive at the proportions by subtracting the Lincoln vote received by Bramlette in 1863, which leaves about 42,000. These may be considered conservative Union men. This number taken from the McClellan vote would leave the more pro-Southern element, which would amount to about 22,000. As already noted, the radical Lincoln Unconditional Union men numbered about 28,000. Thus there was the great body of 42,000 conservatives with the radical Southern and Northern groups of 22,000 and 28,000 respectively.

There were 54,000 fewer votes cast in this election than in the election of 1860, which indicates among other things, the great demoralization which prevailed over the state. Although military interference was not nearly so glaring as it had been in previous elections, still some of the falling off must be attributed to intimidation by the army, for Breckinridge and Burbridge sedulously

[73] *Louisville Journal,* Nov. 7, 1864; *Lexington Observer and Reporter,* Aug. 5, 1865.

[74] Collins, *Kentucky,* I, 144.

[75] *Cincinnati Gazette,* June 6, 1864.

[76] *Acts of Kentucky,* 1863, pp. 122-125. Feb. 22, 1864.

[77] Greely, *American Conflict,* II, 672; Collins, *Kentucky,* I, 164. The totals vary slightly between the above authorities.

worked to create the impression that the test of loyalty, which meant payment for slaves and property seized and freedom from arrest and persecution, would be determined by the way a person voted—if he voted at all. And many, doubtless, considered no record better than a bad one—hence they stayed at home. But it had come to be too common, not only in Kentucky but in other states, for the military authorities to manage elections to suit themselves. Senator Powell, who had valiantly fought against arrests and military interference with elections finally (February 27, 1865) secured a law forbidding these practices.[78]

The greatest excitement growing out of the election was the arrest by Burbridge of John B. Houston "for no other offense than opposition to your election," according to a complaint from Bramlette to Lincoln. Bramlette continued in his telegram, which was written on November 9th, "You are doubtless re-elected, but surely cannot sanction this ostracism of loyal men who honestly oppose you."[79] Lincoln replied that he could hardly believe it, but if it were true Houston should be released.

A most bitter personal and official controversy now arose between Bramlette and Burbridge over the arrest of Houston. Burbridge declared he had arrested him because he was disloyal and had been reviling the administration, and added, "When the civil authorities make no efforts to suppress disloyalty, the military must and will." Bramlette indignantly denied Burbridge's charges and in a long letter mercilessly castigated him. Thereupon Burbridge declined to carry the controversy further.[80] As a principal result of this quarrel the state was arrayed in bitter hostility to Burbridge and the military régime which he represented.

This was the last election in the state before Appomattox. Hereafter new forces and motives were born and injected into Kentucky politics, which made her political history for the next few years stormy and violent.

[78] Collins, *Kentucky*, I, 156.

[79] *Kentucky Senate Journals*, 1865, p. 35; *Official Records*, ser. I, vol. 39, p. 739.

[80] *Kentucky Senate Journals*, 1865, p. 41; Collins, *Kentucky*, I, 147.

CHAPTER X

FEDERAL RELATIONS

As has already appeared the state's relations with the Federal government were never close and cordial, but, instead, were characterized by mutual distrusts, suspicions, and misunderstandings. Kentucky never came to feel that she was treated as one of the loyal states and as a part of the Union. Hence she could never feel quite sure of the motives of the Federal government, and the latter could never come quite to the point where it could put complete trust and faith in the state. Many problems arose during the war which embittered the state exceedingly and caused the National administration much worry and uneasiness.

One of the most persistent questions, beginning at the very entry of the state into the war and ending only with the war itself, was the raising of troops with all its attendant ramifications. The first difficulty arose over the confusion produced by the various recruiting agents, Federal, state, and private.[1] For a time this trouble was settled by requiring all recruiting officers to function through Governor Robinson.[2]

On August 4, 1862, President Lincoln called for a draft of 300,000 militia,[3] and Kentucky immediately prepared to raise her quota by volunteering,[4] although she passed a law setting up elaborate machinery for carrying out a draft when troops could be obtained in no other way.[5] Various methods were resorted to for stimulating volunteering. Persons under indictment for crime might prevent prosecution by enlisting in the army, and might enjoy freedom from forfeiture of their bail until the second term of court after leaving the service.[6] In order to encourage Confederate desertions, a law was passed in 1864 restoring the citizenship of any person who had been expatriated by having joined the Confederates, provided he enlisted in the Federal service and subse-

[1] *Official Records,* ser. III, vol. 2, p. 446.
[2] *Ibid.,* 451.
[3] Emory Upton, *The Military Policy of the United States* (Washington, 1916), Sen. doc., 379, 64 cong., 1 sess., p. 440.
[4] *Acts of Kentucky,* 1862, p. 324, Resolution, Aug. 23.
[5] *Ibid.,* p. 251., Aug. 26.
[6] Collins, *Kentucky,* I, 101. March 11, 1862.

quently was honorably discharged.[7] Extravagant bounties given by the Federal government and by most of the states to stimulate volunteering, were never resorted to by Kentucky herself, although efforts were made at times to secure such legislation.[8] Near the end of the war special acts were passed giving seventeen counties and the city of Louisville the right to aid volunteering by bounties.[9]

In addition to the general aversion to the draft, the high-strung feeling of Kentucky personal freedom revolted against the idea. As the successive calls for troops came out of Washington, the springs of volunteering began to show signs of drying up. Strenuous efforts were then made to induce the Federal authorities to postpone or abandon the draft as far as Kentucky was concerned. In December, 1863, the legislature passed a resolution asking a postponement until records could be assembled and examined, which would make it possible to determine whether the state had been given credit for all of its volunteers. Delay was also requested in order to allot to their respective counties the soldiers already furnished, and thus, no doubt, relieve some counties from the draft altogether.[10] In the effort "to escape ignominy of draft," the state adjutant general, John Boyle, argued that the quota allotted to Kentucky was too large as it did not take into consideration the fact that many men had left the state to join the Confederacy and others had fled to escape the draft itself.[11]

The state was able to escape the draft called for by Lincoln in October, 1863, to take place in the following January; but calls came later which the state was unable to meet with volunteers, and so the draft was put into effect. Two were carried out, and both were failures in every respect. It was difficult even to set the machinery to working as enrolling officers were hard to find.[12] The first one came in March, 1864. The call was for 9,186 men; the result was that 421 rendered personal service, 531 furnished substitutes, 3,241 paid commutation money, and the rest were unaccounted for—were in fact dodging. The second call was in the following July, and was for 16,805 men; and it resulted in

[7] *Acts of Kentucky,* 1863, p. 112. Feb. 22, 1864.

[8] In the spring of 1865, many people were advocating a bounty of $100. *Cincinnati Gazette,* March 3, 1865.

[9] Collins, *Kentucky,* I, 157. March 9, 1865. These were the counties: Mason, Boone, Nicholas, Campbell, Greenup, Gallatin, Bracken, Grant, Kenton, Butler, Carroll, Livingston, Lyon, Caldwell, Fleming, Oldham, and Jefferson.

[10] *Daily Commonwealth,* Dec. 22, 1863.

[11] *Official Records,* ser. III, vol. 4, pp. 75, 76; Collins, *Kentucky,* I, 133.

[12] *Ibid.,* pp. 178, 179.

1,439 coming forward for personal service, 1,981 furnishing substitutes, 24 paying commutation money, and the remainder not appearing.[13]

About half of the number called for in the first draft were accounted for, while less than one-fifth were secured in the second. The number rendering personal service was surprisingly few, the number providing substitutes much larger, while those who "paid out" in the first were much more numerous than in the second. Virtually everybody sought exemption; ministers who were valiant politicians sought to escape the actual fighting.[14] The deserters were in a large majority. Some fled to Canada; others more desperate joined the guerillas in their merciless depredations on all alike;[15] while large numbers, now being forced to fight, chose rather to fight with the Confederates. In October, 1864, three hundred men from Breckinridge, Mead, and Hardin counties, and 278 from other counties passed through Henderson on their way to enlist in the Southern army. A Baptist minister in Hardin County on being drafted stepped out of the pulpit, raised a company, and led them to the Confederacy. He refused to allow a substitute to go, as he did not want any one to fight for a cause he, himself, was unwilling to support.[16]

The main reason for this condition, beyond the natural antipathy to conscription, was the deep discontent that had laid hold on the state. Almost all alike agreed that if Lincoln had not broken nearly every promise he had made, and that if the war were being fought for the purpose first stated, no draft would have been necessary in Kentucky. But who would now voluntarily fight when he could not know what new tyranny it would result in on the morrow?[17]

When further calls for drafts went out, Kentucky used every argument and devise to avoid them. It was frankly admitted that the draft was a failure in the state and "every draft in Kentucky puts more men into the rebel than into the Union Army."[18] The provost marshal general declared that it would require a small army to put the draft into operation, and that if it were

[13] "Drafts in Kentucky during Civil War" in *Senate Documents*, no. 142, 61 cong., 1 sess., pp. 4, 5. It is often erroneously stated that the draft was never applied to Kentucky.

[14] See *Breckinridge MSS.*, 1863. For instance letter of December 18th.

[15] *Louisville Journal*, Oct. 17, 1864.

[16] Collins, *Kentucky*, I, 141, 144, 146.

[17] *Louisville Journal*, May 27, June, 1864, *passim*.

[18] *Official Records*, ser. III, vol. 4, pp. 1187, 1188. Feb. 9, 1865.

otherwise attempted, it would result in "insurrection, eventually revolutionizing the State."[19] The legislature begged for a postponement or abandonment as the state was fearfully beset with unbridled lawlessness and "it would be unwise to withdraw men from their homes and the defense of the same."[20] On every side there was a desire to avoid the draft, wrote Benjamin H. Bristow, in February, 1865. It greatly upset the state; and there was not at that time a half dozen counties where the guerillas were not busy. "I do not believe," he said, "a loyal man can live in the rural districts of the State if this draft be enforced."[21]

The recruiting activities that immediately set in with Kentucky's entry into the war, completely demoralized and soon destroyed whatever militia was left after Buckner had led the State Guards into the Confederacy. The state was left almost without a soldier it could call its own, and before Governor Magoffin had resigned in August, 1862, there was little desire on the part of the Union leaders to build up a state force for fear that he might gain control of it. Yet new foundations were laid for a state militia in an elaborate act of March 17, 1862;[22] and immediately on Magoffin's resignation a new militia law was passed, which looked to the formation of State Guards, a force which had been so effective under Buckner.[23]

But the Federal government had first claim on all men of military age, and until some arrangement were made with it, no state force could be built up with any hope of permanency. The necessity for state troops existed from the beginning of the war, for internal strife and disorder were threatened while the state was yet neutral. As early as December, 1861, efforts were being made to induce Congress to allow Kentucky to raise 20,000 men for twelve months to remain in the state for its defense.[24] The army officers strenuously opposed this interference with military affairs, and were able to block the bill. Despairing of securing permission to raise the 20,000 troops, the Military Board and the speakers of the house and senate in July, 1862 (before Magoffin

[19] *Official Records,* ser. III, vol. 4, 728. Sept. 15, 1864.

[20] *Acts of Kentucky,* 1865, p. 149. Resolution, Feb. 15.

[21] *Official Records,* ser. III, vol. 4, p. 1097. Feb. 2, 1865. See also *Cincinnati Gazette,* Feb. 11, 1865.

[22] *Acts of Kentucky,* 1862, pp. 96-103.

[23] *Ibid.,* 269-303. Aug. 31. See also *Tri-Weekly Commonwealth,* Dec. 8, 1863. Bramlette's message to the legislature.

[24] *Official Records,* ser. I, vol. 7, pp. 515, 516; *Rebellion Record,* X, 41, 42.

resigned), begged permission to have 8,000 as "we are left with a disloyal governor, with traitors and treason all around us."[25]

Pleading for protection against the Confederates and against the guerillas who had begun to spread ruin and devastation in their wake now became common. If troops could not be sent to the state, and if it were not allowed to raise them of its own, it begged Lincoln at least to send some arms. To this Lincoln replied in January, 1863, after the explosion had come over the emancipation proclamation: "But the changed conduct toward me of some of her members of Congress and the ominous outgivings as to what the governor and legislature of Kentucky intend doing, admonish me to consider whether any additional arms I may send them are not to be turned against the government."[26]

Persistency finally won, for on February 7, 1863, Congress passed a law authorizing the governor of Kentucky "by the consent and under the direction of the President," to raise 20,000 men for twelve months, to be used exclusively within the limits of the state unless the President should order otherwise and to be under the same rules of war, pay, and subsistence as regular volunteers. The officers should be appointed by the governor; but as they would be technically Federal soldiers their expense should be met by the Federal government.[27] There was considerable opposition in Congress to the passage of this law, through the fear of placing so large a force of men in the command of so uncertain a group as the Kentucky leaders, and in so strategic a position as Kentucky.[28]

Having won no inconsiderable victory the state now began the work of raising and organizing these troops. The legislature voted a loan of $5,000,000 for expenses and according to a Cincinnati observer "to make Davisites and Lincolnites respect the law of the State." "The force was intended," he added, "to make war on Lincoln and his minions and hirelings in Kentucky, if they violated the civil laws."[29] General Jere T. Boyle was given charge of the troops and was required to raise them under

[25] *Official Records,* ser. III, vol. 2, p. 252. July 25, 1862.

[26] Nicolay and Hay, *Works of Lincoln,* VIII, 175. To Green Adams, Jan. 7, 1863.

[27] *Official Records,* ser. III, vol. 3, p. 39; *Congressional Globe,* 37 cong., 3 sess. (1862-3), p. 182.

[28] *Ibid.,* 186-190, 274-276.

[29] *Cincinnati Gazette,* Feb. 11, 1863.

the methods set down in the militia law.[30] The citizens were asked to organize companies in each county; but more than six months after the law had been passed, the forces were still far from being recruited.[31] A draft was threatened if volunteers did not come forward faster; and on October 9th it was announced that a draft would be ordered within fifteen days if a required number of troops did not volunteer. The result was sufficient to cause at least a postponement of the draft.[32] As not half of the troops had been raised yet, the adjutant general announced on October 13th that only 10,000 troops would be used to defend the state and that the others would be sent to the front. The first 10,000 should be kept at home but they should receive no bounty; the remainder should receive the Federal bounty of $300 if they entered an old regiment, $100 if they enlisted in a new regiment, and nothing if they waited to be drafted.[33]

These announcements neither popularized the service nor frightened the people into volunteering; and the result was a proclamation issued by Governor Bramlette on November 4th abandoning further efforts to raise state troops. "For months," he said, "you have been called on for such service, and failed to respond. This service is now closed to you." He expressed the belief that the best defense of the state lay in hunting out the rebel armies and beating them wherever they could be found, and he now called on recruits to come forward for the regular Federal service to fill Kentucky's quota of the 300,000 now called for by Lincoln.[34] In all, about 7,000 were raised for state service out of the call for 20,000. Kentuckians saw no more attraction in this so-called state force than in the regular Federal service, for the President had a right to withdraw them from the state at will and they had no faith that he would not. In fact these troops were ordered out very soon after they had been raised, and this naturally killed further recruiting entirely.[35]

Disorders were becoming more frequent and discontent with the Federal policy was increasing; yet the state did not have enough troops under its command to arrest a burglar. It was seen that if the state wanted troops it must raise them and what

[30] *Official Records,* ser. I, vol. 23, part 2, p. 357; ser. III, vol. 3, p. 187.
[31] *Tri-Weekly Commonwealth,* Sept. 11, 1863.
[32] *Ibid.,* Oct. 14.
[33] *Ibid.*
[34] *Ibid.,* Nov. 4, 1863.
[35] *Congressional Globe,* 38 cong., 1 sess. (1863-4), part 1, p. 521.

was more, be willing to pay for them itself, and not expect to reap the benefits of a state force without assuming the expense, as had been attempted in the case of the 20,000. In the latter part of January, 1864, the legislature passed a law providing for the organization of 5,000 troops either by volunteering or by drafting, to be under command of the governor and to be known to the world by what they really were, the "Army of Kentucky."[36] The legislature asked that these troops be credited to the state on its quota allotted for the regular Federal services and to carry out this act it gave the governor permission to borrow $5,000,000.[37]

This effort to raise the "Army of Kentucky" came to nothing; and four months later the state was again negotiating with the Federal government concerning another attempt to organize a force after the order of the 20,000. In May (1864), the Secretary of War authorized the state to enlist 10,000 for six months for the defense of the state and to "give a finishing blow to the rebellion."[38] It was felt that by calling for half the number wanted in the first attempt and for one half of the time, success might be had. Also the governor would lead them as he announced in his ringing call: "Kentuckians to the rescue! I want 10,000 six-months' troops at once. Do not hesitate. Come, I will lead you. Let us help to finish this war and save our Government. THOMAS E. BRAMLETTE."[39] He appointed Frank Wolford, who had been dismissed from the Federal army for criticizing Lincoln, to raise a regiment.[40] For a time there was considerable enthusiasm, and a draft that had been contemplated was abandoned.[41]

But this movement was to fall far short of complete success not only due to the lethargy in volunteering but also on account of the bitter onslaught of the radicals and military authorities against Bramlette and the other governmental leaders. So bitter did the civil conflict and commotion become that this year, 1864, was undoubtedly the stormiest and most critical of the whole war. Bramlette put the blame for failure also on the injection of the

[36] *Acts of Kentucky,* 1863-4, pp. 20, 21. Jan. 26.

[37] *Ibid.,* 72, 73. Jan. 26, 1864.

[38] *Lexington Observer and Reporter,* July 16, 1864. Quotation from letter from Bramlette to Wolford, June 25, 1864. See also *Kentucky Senate Journal,* 1865, pp. 48, 49.

[39] *Official Records,* ser. II, vol. 7, p. 364. May 13, 1864. See also *Louisville Journal,* May 18, 1864.

[40] *Cincinnati Gazette,* June 6, 1864; Collins, *Kentucky,* I, 134.

[41] *Ibid.* See also *Lexington Observer and Reporter,* June 8, 1864.

question of negro troops into the situation, and on the Federal draft, from which the six months men were exempted.[42] The opposition declared that the troops were disloyal and were under disloyal leaders. Wolford, who, dismissed from the Federal army, could now command only state troops, was pointed to as a man with ulterior designs. Robert J. Breckinridge had a conference with Lincoln in which he condemned the state troops and especially opposed placing them under Bramlette and Wolford.[43] The radicals wanted, instead, Federal forces to protect them from lawlessness.[44] Referring to these men attempting to discourage the enlistment of state troops, Bramlette declared: "A class of men over the State, who contributed nothing but professions of extreme loyalty for the defense of the country, and who crawl on their bellies to lick the foot of POWER—but being ignorant of the fact that the six months' men were being raised by authority from *their master*—raised the hue and cry against it, and discouraged by all means in their power enlistments for the six months' service."[45]

A serious crisis arose when General Hugh Ewing in the latter part of August (1864) attempted to interfere with Bramlette's recruiting by ordering the judges of the quarterly court in each county to levy a tax on all taxpayers sufficient to mount and pay fifty men to be raised within the limits of the county.[46] On hearing of this order, Bramlette issued a proclamation at once denouncing it as wholly illegal, and calling upon the judges "to refuse obedience to such orders, or immediately resign and let the office be filled by some one who will fearlessly meet the responsibility of duty."[47] Lincoln rescinded Ewing's order and, thus, relieved a dangerous situation. It has been stated by contemporaries that Bramlette was on the point of issuing a proclamation recalling Kentucky's troops from the field.[48]

Despite the strenuous opposition of radicals and military officers, the state troops continued to exist in a rather weak condition;

[42] *Lexington Observer and Reporter,* July 16, 1864. Bramlette to Wolford, June 25, 1864.

[43] Collins. *Kentucky,* I, 136. July 15, 1864.

[44] *Breckinridge MSS.,* 1864. For example, various men to R. J. Breckinridge, June 16.

[45] *Lexington Observer and Reporter,* July 16, 1864. Bramlette to Wolford, June 25, 1864.

[46] Collins, *Kentucky,* I, 140.

[47] *Lexington Observer and Reporter,* Sept. 7, 1864. Proclamation, Sept. 5.

[48] Shaler, *Kentucky,* 350.

but even so they were a red rag in the face of their opponents. By this time another problem, which had been growing more perplexing for two years, developed into the most menacing danger confronting the state. This was the question of negro troops.

As has been noted, the suggestion by Secretary Cameron that the slaves of Confederates should be armed was received with bitter surprise and fear in Kentucky; but when steps were taken to arm the slaves in the border states, burning anger and consternation seized the people. Representative Wolfe was truly filling his office when he arose in Frankfort and declared that Lincoln in attempting to arm the slaves was a usurper and a tyrant and that he would never allow his son to fight beside a negro soldier.[49] It was past the comprehension of Kentuckians that anyone could advocate the elevation of an inferior being, a slave, into a soldier, a rank of distinction held particularly high in the traditions of the state. The Kentucky senate declared that the advocates of negro soldiers "publish to the world the atrocious libel upon the white man that, in his cowardice, he appeals to the negro for protection."[50] No Kentuckian in authority could ever be found to tolerate the idea. Governor Bramlette in his inaugural address, at a time when he was giving Lincoln his strongest support, said that making a soldier out of a negro "humiliates the just pride of loyal men" and that when the end of the war should come former negro soldiers could "never remain and live amongst those against whom they have been set in battle array."[51]

Lincoln, who was generally a good judge of Kentuckians, clearly saw that he could not push them too fast, but that by degrees he might finally carry out his whole program. His first move was to direct an enrollment of the free negroes, pariahs of the land and despised by all. As this did not directly affect slaves, he thought Kentuckians might not object. But in this he was mistaken; almost a panic ensued. When once the bars were lowered to free negroes, slaves would speedily follow. General Jere T. Boyle, whose part in the military occupation of the state was becoming onerous and distasteful to him as a good Kentuckian, in June, 1863, wrote General James B. Fry, the provost marshal general, that it was a waste of time and money to enroll the free negroes. There were only a few over 4,000 in the state, and allowing one-eighth to be subject to military duty, the government would get

[49] *Cincinnati Gazette,* Feb. 13, 1863.
[50] *Ibid.,* March 4.
[51] *Tri-Weekly Commonwealth,* Sept. 2, 1863. Inaugural, Sept. 1.

less than 700 recruits. "You will revolutionize the State," he said, "and do infinite and inconceivable harm, and I am sure this is all wrong and there is not an honest loyal man in the State in favor of it, and it will meet with decided opposition."[52] Fry informed him that he was unduly alarmed as enrolling simply meant finding out how many, adding "I have a better opinion of Kentucky than to think she would be revolutionized if such information is sought for by me as it has been by the Census Bureau without revolution."[53] But this argument did not convince Kentuckians, and so the order was suspended until February, 1864, when Fry broadened it to include enrollment of all negroes of military age.[54] In the meantime Kentucky was allowed to fill with whites her quota of the 300,000 men called for in October, 1863.[55]

For months now the Federal government pursued a vacillating policy. Orders for enrollment came only to be delayed in their execution, when the full force of the state's bitterest opposition seemed to indicate the gravest consequences. So uncertain was the situation that Kentucky alone was exempted from negro enlistments. Bramlette told an over-zealous recruiting agent that he must desist as "I am well assured that in deference to our peculiar position, and to avoid unnecessarily aggravating the troubles of the loyal men of Kentucky, the authorities at Washington do not contemplate recruiting 'colored men' in Kentucky."[56] A perfect barrage of opposition was continued on all sides to keep the Federal government in retreat. A flood of resolutions of protest poured in on the legislature, resulting in the adoption of one by that body on Washington's birthday. In appropriate language it declared against negro troops and demanded the removal of any camps for negro soldiers, that might be set up, "by which our slaves are enticed to leave the service of their owners."[57]

But by March (1864) some action by the Federal government seemed imperative, unless Kentucky was to be allowed to thwart

[52] *Official Records,* ser. III, vol. 3, p. 416.

[53] *Ibid.,* 419. June 26, 1863.

[54] Collins, *Kentucky,* I, 125, 132.

[55] *Ibid.,* 128.

[56] *Louisville Journal,* Jan. 19, 1864. Although negro recruiting did not apply to Kentucky at this time, the order to raise negro soldiers in Delaware, Maryland, Tennessee, and Missouri, was bitterly condemned. *Tri-Weekly Commonwealth,* Oct. 28, 1863.

[57] *Acts of Kentucky,* 1863-4, p. 165; *Cincinnati Gazette,* Feb. 12, 1864; Shaler, *Kentucky,* 350.

the Administration's policy and receive special and invidious treatment. As the government prepared to set the machinery of enrolling and enlisting to work, it provoked a crisis more pregnant of disaster to the state than any other during the war. Among those most bitterly opposed to negro soldiers was Frank Wolford, who had long been in command of a Union cavalry regiment, who had participated in the battle of Mill Spring in which Zollicoffer had been killed, and who had been almost constantly in action since. Seeing that the Federal government intended to delay no longer, Wolford grimly began to prepare for the worst. On March 10 (1864), he spoke to the people in Lexington and also in Danville, bitterly attacking Lincoln and his negro soldier policy, and calling upon the people to resist with force. He declared Kentucky would never submit to this "series of startling usurpations" and that the people would not "keep step to the 'music of the Union' alongside of negro soldiers." The first enrolling officer that appeared should be thrown into the penitentiary, and he promised to hold his troops in readiness to aid. He called on Bramlette, who was present, to array the power of the state against those attempting to break its laws and constitution. The silence of the governor was construed to mean consent.[58]

Tremendous excitement was aroused; it was not an idle threat of Wolford to use his troops, and according to army opinion, those troops "will always conform to what Kentucky leaders seek to do in the name of Kentucky."[59] There was not a loyal paper in the state; and the weak voices of the few Lincoln supporters could scarcely be heard.[60] Wolford became the hero of the day, and was everywhere applauded. George D. Prentice in his *Journal* said, "As, however, Mr. Lincoln has freely permitted the officers of his own political complexion to mingle in the strife of politics, and to take part in the work of defaming as traitors all who disapprove the party measures of his administration, he can scarcely be so lacking in magnanimity as to lay a very heavy hand upon the only officer in the army, who so far as we are aware has ventured to pay him back in his own coin. . . ."[61]

[58] *Official Records,* ser. III, vol. 4, pp. 174, 175; *Cincinnati Gazette,* March 15, 1864; Collins, *Kentucky,* I, 132.

[59] *Official Records,* ser. III, vol. 4, pp. 174, 175.

[60] *Breckinridge MSS.,* 1864. Calls for Breckinridge to make speeches in support of Lincoln were made. W. O. Goodloe to Breckinridge, March 14, 1864.

[61] March 14, 1864.

But a heavy hand was laid upon Wolford at once, for otherwise disaster threatened the Federal position in Kentucky. He was placed under arrest and hurried off to Nashville for trial. But the Federal authorities seemed afraid to act further. He was not given a trial here, but instead was sent on to Knoxville. There was still further delay, and finally it was decided not to try him at all; instead he was disposed of by dishonorable dismissal from the service.[62]

In the meantime Bramlette prepared to carry out his part of the solemn determination to resist negro enrollment and enlistment. He flatly defied the Federal government two days later (March 12), when he telegraphed the provost marshal of Boyle County: "If the president does not, upon my demand, stop the negro enrollment, I will. I am awaiting his answer."[63] Bramlette was now in a heroic mood; he would end the everlasting bickerings with the Federal authorities and boldly challenge them. Hoping to secure the support of the small Lincoln following and to use their influence in forcing the Federal government to retreat, on the following day (March 13), he sent an urgent call to Robert J. Breckinridge, who was in Danville, "to come to Frankfort tomorrow . . . to go to Washington on an important mission." "Answer quick," he begged.[64]

There now took place hurried conferences and certain mysterious actions, which showed the extreme gravity of the situation, but which became the subject of a bitter dispute later. This much can not be doubted: Breckinridge went to Frankfort and in company with Colonel Hodges, Dr. T. S. Bell, General Burbridge, and others held a conference with Bramlette. The meeting was long and animated, beginning at 8 o'clock in the evening and continuing until 3 in the morning. They discussed negro troops and resistance to their enrollment and all its consequences. The decision finally arrived at was embodied in a proclamation issued by Bramlette on March 15th, which counselled the people to submit, as it was only the enrollment and not the enlistment that was being sought by the Federal government. "Your indignation," he said, "should not move you to commit acts of violence, nor to

[62] *Lexington Observer and Reporter,* April 6, 1864.

[63] *Breckinridge MSS.,* 1864. Original copy here. See also *Cincinnati Gazette,* April 2, 1864.

[64] *Breckinridge MSS.,* 1864. Statement of J. M. Kelly, April 1st, from memoranda notes taken March 17th.

unlawful resistance. . . . In the Union, under the Constitution, and in accordance with law, assert and urge your rights."[65]

This was a strange anti-climax, which led to much discussion and to the stirring up of a heated dispute. When and how did Bramlette change his mind or did he change it at all? Breckinridge soon came out with the startling charge that Bramlette had prepared an entirely different proclamation; but that he was prevailed upon to withhold it, and instead issued the one on the 15th. In the first proclamation Breckinridge declared Bramlette had counselled resistance, "a scheme to bloodily baptize Kentucky into the Confederacy." As an important part of the plan there was to be a "general rising in the state, strengthened by a contemporaneous invasion by a portion of the rebel army." The strategic lines of communication of the armies of the West, passing through Kentucky, were to be cut.[66] Bramlette angrily took Breckinridge to task for these charges, and indignantly denied that he had prepared more than one proclamation.[67] He explained that while the proclamation was still in proof, he went to the printing office in company with others and made certain changes which resulted in shortening it, but "that the parts omitted were not different in any principle, from what was enunciated in the address as published, but in my judgment, there & now, was a consistent whole with that published."[68]

It is impossible to determine just how deep and well-laid a purpose there was at this time to array the state against the Federal government. That a proclamation at all needed to be issued was proof enough that the times were unusual. Bramlette's explanation about changing the proclamation fits close enough Breckinridge's charges that there were two documents; but his denial of changing the meaning was a complete contradiction of Breckinridge and others. Just before the Frankfort conference Lieutenant-governor Jacob had written Lincoln beseeching him to delay the negro enrollment as there was great danger of "producing an outbreak of a portion of our loyal people, and I dreadfully fear a conflict between the Federal and State authorities."[69]

[65] *Louisville Journal,* March 17, 1864; *Cincinnati Gazette,* March 17, 1864.

[66] *Danville Quarterly Review,* IV, 411-413; *Cincinnati Gazette,* March 21, 1864; Collins, *Kentucky,* I, 132.

[67] *Breckinridge MSS.,* 1864. Bramlette to Breckinridge, April 7, 1864.

[68] *Ibid.*

[69] *Official Records,* ser. III, vol. 4, pp. 175, 176. March 13, 1864.

When the proclamation appeared counselling submission, it was bitterly attacked in various parts of the state.[70] That the state did not fly into open resistance was most likely due to the determined and energetic stand taken by Lincoln, as seen in Wolford's arrest. The threat of instant invasion from north of the Ohio may also have had its proper effect. The *Cincinnati Gazette* asked if there was any one who could suppose "that the state would not be overrun by the fresh swarm that the northern hive would pour out upon such an occasion?"[71] A citizen of Indiana admitted that his state had "been looking on with the deepest anxiety lest the glorious old Commonwealth of Ky. should by some intrigue be carried into the vortex of secession and destruction."[72]

For the next month the argument as to whether Bramlette issued more than one proclamation was heated; and it was pushed by the Lincoln supporters largely for the purpose of gaining a better position in state politics. George D. Prentice boldly charged that the radicals wanted Kentucky and the Federal government to clash for then the state "would be declared in insurrection, her chosen authorities set aside as disloyal, her slaves proclaimed free, her constitution pronounced void, and the revolutionary work of framing a new constitution and of organizing a new government put exclusively in the hands of the radical faction. . . ."[73] Breckinridge was lionized among the radicals as the savior of Kentucky and of the Union, too. "Thank God you have saved us from calamity such as his [Bramlette's] impetuosity might have brought upon us. He is not to be trusted."[74] Thus, did one write. Another praised him for going to see Bramlette, "pleading and expostulating with him when he was about to plunge her into an abyss so deep that no mortal man could ever have raised her from." As already noted, Bramlette spurned the idea that he had ever written more than one proclamation, and Lieutenant-gover-

[70] *Lexington Observer and Reporter,* March 19, 1864. Wolford's threat of resistence and his call upon Bramlette to array the state against Lincoln; Governor Bramlette's order to provost marshals to stop negro enrollment or he would; Lieutenant-governor Jacob's letter to Lincoln predicting armed resistence—these and other happenings and circumstances make a strong assumption that the state was on the verge of armed resistence.

[71] March 21, 1864.

[72] *Breckinridge MSS.,* 1864.

[73] *Louisville Journal,* March 22, 1864.

[74] *Breckinridge MSS.,* 1864. George Morrison to Breckinridge, March 21, 1864.

nor Jacob agreed with him.[75] George D. Prentice declared that he knew from personal knowledge that there was only one; and to say there was two was "a vile slander. . . . As such we brand it and fling it into the cesspool of abolition calumnies."[76]

Soon after issuing his proclamation Bramlette in company with Archibald Dixon and A. G. Hodges hurried to Washington to enter anew his protests to Lincoln and to gain whatever concessions possible. Bramlette agreed to the enrollment and Lincoln promised that no negroes should be enlisted in any county which furnished its quota in white men, and if any soldiers were raised they should be removed from the state for training.[77] Enrollment which was now started greatly upset the negroes, and caused many to flee to Canada and elsewhere.[78] Enrollment was soon followed by enlistments, for the Kentuckians, beset by a thousand fancied and real wrongs and wracked with hatreds, were not going to fill the state's quota by volunteering. On April 18th (1864), General Burbridge, who had been given charge of negro troops, issued an order throwing the state wide open to negro enlistments irrespective of counties. The work was put in the hands of provost marshals, and any other person found enlisting negroes was subject to arrest. All slaves and free negroes applying should be enlisted and should be concentrated in Louisville preparatory to being sent out of the state for training.[79] Certificates of ownership were to be given to masters who could prove their loyalty, and they should receive not over $300 for each slave.[80]

At first there was marked eagerness on the part of slaves to volunteer and in various parts of the state regiments began to form. A shining rifle and a uniform were irresistible. In Lex-

[75] *Ibid.*, John Curd, March, 1864. See also *ibid.* W. O. Goodloe to Breckinridge, April 3, 1864. Bramlette challenged Breckinridge to produce the proclamation in dispute, a copy of which the latter claimed had been secured. Goodloe, here, asked Breckinridge for a copy. Undoubtedly there is no text of the proclamation in existence today as it was before it was amended.

[76] *Louisville Journal,* April 2, 1864. At this time he did not know that certain changes had been made. Later on fuller knowledge he modified his statement slightly. *Ibid.*, April 16. See also *Cincinnati Gazette,* April 21, 1864.

[77] *Kentucky Senate Journal,* 1865, p. 9. Message to legislature, January 6, 1865. See also *Lexington Observer and Reporter,* Jan. 28, 1865; Collins, *Kentucky,* I, 132, 151; Greely, *American Conflict,* 655, 656. The trip to Washington was made on March 22, 1864.

[78] *Official Records,* ser. III, vol. 4, p. 210. March 29, 1864.

[79] *Ibid.*, 233, 234; *Lexington Observer and Reporter,* April 23, 1864.

[80] Collins, *Kentucky,* I, 144.

ington in early June, 110 volunteered within two days.[81] A Lincoln supporter reported from Lancaster that "Negro enlistment goes on here; they will all go in and the people take it quietly." He added, "If they are clothed armed and go into service out of Ky all will be well but the man does not live who can turn them to profit if they are kept in the state. We can and will carry the state in November if they are enlisted and removed at once. We *cannot carry* it if this is not done."[82] But the negro after all was much attached to his surroundings, and being sent out of Kentucky was much like being sent to the unknown. The novelty soon wore off and the slaves ceased to come forward. Then it was that white regiments were stationed in various towns to attract the negro as well as to give him protection against anyone attempting to interfere with his enlisting; while other squads of troops marched through the rural sections to gather up the timid and dissenting.[83] By this time the master's authority over his slaves had become so weakened that large numbers left their owners and flocked to the towns or wandered over the country. Orders were given to arrest all such fugitives and with the permission of their owners to put them into the army.[84] At a negro fair in Louisville all the able-bodied males were arrested and forced into the army,[85] as the draft had already been applied to secure the slaves of willing masters.[86]

Just as the negro had been bought and sold as a laborer, so was he to be trafficked in as a soldier. As early as the latter part of 1863, Kentucky slaves had been enticed away to Tennessee to join the Federal army, and their masters got no redress, when they went to get them.[87] About the same time recruiting agents, no doubt feeling that if Kentucky would have nothing to do with negro soldiers, perhaps she would not object to other states taking them, appeared in the state and wanted to recruit "free colored troops" for Michigan regiments. Bramlette with considerable impatience informed one of the agents that "We do not intermeddle with any State that chooses to recruit 'colored men' within

[81] Collins, *Kentucky,* I, 134. By July 20, 1864, seventeen slaves (nine men and boys, five women, and three children), belonging to Robert J. Breckenridge had been enlisted at Camp Nelson. *Breckinridge MSS.,* 1864.

[82] *Ibid.,* L. Lusk to R. J. Breckinridge, July 12.

[83] *Official Records,* ser. III, vol. 4, pp. 554, 555.

[84] Collins, *Kentucky,* I, 137; *Official Records,* ser. III, vol. 4, p. 543.

[85] Collins, *Kentucky,* I, 138, 139.

[86] *Official Records,* ser. III, vol. 4, pp. 645, 646.

[87] *Tri-Weekly Commonwealth,* Nov. 18, 1863.

its own limits. But no state that is not willing to meet the measure of duty by contributing its quota from its own population, shall be permitted to shelter from duty behind the free negro population of Kentucky."[88] A few weeks later he announced to all such recruiting agents that "Such 'traffickers in human flesh' will endanger their own liberties if they are caught within this state."[89] In June, 1864, Bramlette declared that 12,000 slaves had been seduced from their masters by recruiting agents from other states "for which the state can obtain no credit, nor the owner a voucher."[90]

With the demoralization of slavery in the state, aided by the repeal of the fugitive slave law in June, 1864, people with itching palms hovered on the border and slipped into the state to snatch negroes. They would be carried to some state where the bounty was large, the simple negro would be induced to enlist for a small part of it, and the bounty scalper would keep the remainder of it. More often the negro would be sold as a substitute receiving $100, while the agent would get from $800 to $1000. Some of the provost marshals added the further hatred to the long list piled up against them, of aiding this nefarious work of the substitute brokers.[91] To protect the northern border against this rascality, troops and gunboats were stationed along the Ohio and ordered to be on the watch.[92] The order allowing negroes to substitute for whites made it easy for the provost marshals to do business on their own account among Kentuckians who had no scruples against letting a negro do their fighting.[93] To curb the outside substitute brokers the legislature made it a misdemeanor, punishable by a fine of $1000 and one year imprisonment to take a substitute out of the state.[94]

Kentucky's opposition to negro soldiers did not cease with Bramlette's agreement with Lincoln.[95] Indeed, Wolford, now bereft of his military power, was as irreconciled as ever.[96] Aided

[88] *Lexington Observer and Reporter,* Jan. 23, 1864. Letter, Dec. 14, 1863.
[89] *Louisville Journal,* Jan. 20, 1864. Announcement, Jan. 13, 1864.
[90] *Lexington Observer and Reporter,* July 16, 1864. In letter to Wolford, June 25, 1864.
[91] *Ibid.,* Oct. 1, 1864.
[92] *Official Records,* ser. III, vol. 4, p. 543.
[93] Collins, *Kentucky,* I, 133.
[94] *Cincinnati Gazette,* Feb. 11, 20, 1865.
[95] *Official Records,* ser. III, vol. 4, pp. 288, 289.
[96] Collins, *Kentucky,* I, 151. Bramlette's message to the legislature, Jan. 6, 1865.

in the work by Lieutenant-governor Jacob, who had so far escaped arrest, he carried on a campaign of speech making in opposition to the whole Federal policy.[97] In fact Jacob had made as strong speeches against negro troops as had Wolford, but the military, it seemed, dared not lay hands on the lieutenant-governor.[98] On April 4 (1864) at Paris he had declared that Charles I had been beheaded for lesser crimes than could be charged against Lincoln.[99] Bramlette showed his approval of this campaign as well as his contempt for Federal authorities by appointing Wolford to raise the 10,000 state troops, allowed by the Secretary of War. But Wolford was a marked man; his enemies were plotting his downfall. In early July the military authorities re-arrested him on the charges of disloyalty and of discouraging enlistments, which provoked Governor Bramlette indignantly to say, "The arrest of this battle-scarred patriot-hero upon such a charge, at the very time he had completed the enlistment of a regiment to serve his country, stamps with eternal infamy the base wretch who preferred the charges." He suggested that he might find sufficient hostages in Kentucky to secure Wolford's release, and declared that the loyal people of the state could not "be provoked or driven into rebellion against the government," but they might use the same tactics their enemies were using.[100] So grave was the situation in the estimation of the War Department that it sent Joseph Holt to make an investigation.[101]

The main purpose of this arrest seems to have been the desire to keep Wolford from playing a part in the presidential campaign. He went to Louisville on parole to await an immediate trial, which was promised. Instead of trying him, the authorities asked him to sign another parole agreeing to oppose in no manner the enlistment of negroes as soldiers. This he indignantly refused to do. "No, sir," he said, "much as I love liberty, I will fester in a prison, or die on a gibbet, before I will agree to any terms that do not abandon all charges against me, and fully acknowledge my innocence."[102]

The military authorities were in no pleasant mood and the fact that the state voted overwhelmingly for McClellan in Novem-

[97] *Louisville Journal,* June, *passim,* 1864; *Cincinnati Gazette,* June 4, 1864.
[98] *Ibid.,* May 10.
[99] *Ibid.,* Feb. 9, 1865.
[100] *Lexington Observer and Reporter,* July 16, 1864. Letter to Jacob, July 11.
[101] *Official Records,* ser. III, vol. 4, p. 488. July 12, 1864.
[102] *Lexington Observer and Reporter,* Sept. 17, 1864; Collins, *Kentucky,* I, 141.

ber did not act as a sedative. The day following the election their patience gave out; the order was issued to arrest Wolford, Jacob, and Paul R. Shipman of the *Louisville Journal* and banish them to the Confederacy without permission to communicate with anyone.[103] Jacob was arrested on the 11th and Wolford a few days later.[104]

This was one of the most tactless and insane moves made by the military régime in its long list of mistakes in dealing with Kentucky. Bramlette made an extended complaint to Lincoln. A dark and secret inquisition was at work, composed of men who were "afraid to avow their infamy in the face of an open tribunal, face to face with the men they accuse." It was only the great self restraint of Jacob and Wolford and of their many friends that prevented an uprising. "These terrible wrongs," declared Bramlette, "these outrages upon the spirit of liberty ought to be stopped. They make no friends to our cause, but endanger much. For if men of less prudence and patriotism were thus dealt with, having the power they possess, the consequences would be serious indeed." He called on Lincoln to save the state from these its worst enemies: "Mr. President, do stop these miserable, cowardly, stay-at-home abuse-every-body-patriots from giving such aid and comfort to the rebellion—as does such acts as the banishment of Jacob and Wolford give. Better send their accusers off; for they will not help us in the day of battle, and Jacob and Wolford will."[105]

The course of the military régime in Kentucky was beginning to appear to strong Union opinion outside the state as a degeneration into senseless and dangerous persecution. Jacob, as lieutenant-governor, would be needed to preside over the state senate in the approaching January; while Wolford, being an elector on the McClellan ticket, would lose his vote unless allowed to return. The United States Senate ordered an investigation and called on Lincoln for any information he could give not incompatible with the public good.[106]

[103] *Official Records,* ser. I, vol. 39, part 3, p. 726.

[104] *Ibid.,* vol. 45, part 2, pp. 387, 402, 504; *Cincinnati Gazette,* Feb. 9, 1865; Shaler, *Kentucky,* 358, 359; Collins, *Kentucky,* I, 148, 154.

[105] *Official Records,* ser. I, vol. 45, part 1, p. 994; *Lexington Observer and Reporter,* Feb. 11, 1865; *Kentucky Senate Journal,* 1865, pp. 43-45; Collins, *Kentucky,* I, 148. Letter, Nov. 22, 1864.

[106] *Congressional Globe,* 38 cong., 2 sess. (1864-5), part 1, pp. 73-77. Dec. 20, 1864. The report was published as "Arrest of Colonel Frank Wolford and Lieutenant Governor Jacob" in *Executive Documents,* no. 16, 38 cong., 2 sess.

To solve a very trying situation Lincoln pardoned these Kentuckians and allowed them to return unmolested.[107] Jacob did not succeed in reaching the Kentucky senate until February 4th, almost a month after the session had begun. His return was dramatic; he made a thrilling speech bitterly castigating the military tyrants that had banished him. By a vote of 19 to 9 one thousand copies of this address were ordered printed for distribution.[108]

In his message to the legislature, Bramlette declared that the arrest of Jacob was "in defiance of Federal and State Constitutions and laws; in defiance of the laws of humanity and liberty; dishonors the cause of our country, and degrades the military rank to the infamous uses of partisan and personal vengeance." "The wanton and malicious deprivation of the liberty of loyal citizens, without any reasonable or probable cause, is a crime of so grave a nature, that no penalty less than felony and confinement in the penitentiary can adequately express the just sense of horror and indignation which a free people must feel toward such criminality." He recommended such a law to the serious consideration of the legislature.[109]

There is no better example of the extreme revulsion of feeling that had taken place among Kentuckians than the case of Garret Davis. In the beginning he assumed the air of a Union crusader, levelling his lance against real and fancied rebels and imaginary windmills. He had led the fight to expel his colleague, Powell, from the Senate; and in December, 1862, attempted to drag out from oblivion the political record of James Buchanan, then harmless in his retirement, and make it the subject of a blighting resolution. In both instances his Unionism had been too keen for the strongest Unionists of that body. A little more than a year later Garret Davis was a changed man. In January, 1864, he introduced a withering set of eighteen resolutions in the Senate, lashing the war party and the President for trampling the constitution and the laws under foot in their mad rush to preserve their own power. In his rising anger he threw out the threatening advice: "Verily, the people North and the people South ought to revolt against their war-leaders, and take this great matter into their own hands, and elect members to a national convention of all the

[107] *Official Records*, ser. II, vol. 8, p. 23; *Cincinnati Gazette*, Feb. 9, 1865.

[108] *Kentucky Senate Journal*, 1865, pp. 257-261; Collins, *Kentucky*, I, 154; *Cincinnati Gazette*, Feb. 7, 1865.

[109] *Lexington Observer and Reporter*, Jan. 28, 1865; *Cincinnati Gazette*, Jan. 7, 1865; Collins, *Kentucky*, I, 151.

States, to terminate a war that is enriching hundreds of thousands of officers, plunderers and spoilsmen, in the loyal States, and threatens the masses of both sections with irretrievable bankruptcy, and infinite slaughter, and to restore their union and common government upon the great principles of liberty and compromise devised by Washington and his associates."[110]

This was treason, undisguised and outspoken treason—so said Senator Wilson, of Massachusetts, and others. Three days after these resolutions had been introduced, another resolution was brought in demanding Davis' expulsion.[111] In calling for favorable action on it, Wilson said, "Unroll the records of the Senate and you can find no proposition of Davis, of Slidell, of Mason, of Toombs, of Benjamin, or their compeers in crime, so insurrectionary, revolutionary, and infamous as is this appeal, when the nation is staggering under the blows of armed treason, to the people to 'revolt' against their war leaders."[112]

Davis' past record was now used with deadly effect against his present stand, as he was now about to receive the treatment he had so eloquently argued should have been given Powell. He made no effort to dodge; he had been wrong and Powell right. He was late in seeing the light, but he now saw it. "If I had had then the same light which I now have," he admitted, "I neither would have spoken nor voted for the expulsion of my colleague."[113] Yet he did not care to lose his seat, so he explained away the meaning put in his resolutions, and Wilson dropped the fight with the remark, "With these modifications and these denials, these resolutions become simply a farce, the broadest kind of a farce. . . . The resolutions now mean nothing; they are nothing; and I drop them, and withdraw the resolution for expulsion."[114]

So tired had the state become of its unending troubles that even the Confederate Congress professed to see "a brighter and better day" in the land where "the ballot box has been overthrown, free speech is suppressed, the most vexatious annoyances harass and embitter, and all the arts and appliances of an unscrupulous

[110] *Congressional Globe,* 38 cong., 1 sess. (1863-4), part 1, pp. 96, 97. Jan. 5.

[111] *Ibid.,* p. 139.

[112] *Ibid.,* 175. Jan. 13, 1864.

[113] *Ibid.,* 419.

[114] *Ibid.,* 394. Jan. 28, 1864. According to the *Louisville Journal,* "It is an effort not so much directly to degrade Senator Davis as to influence the General Assembly of Kentucky to mate him with a radical colleague." Quoted in *Lexington Observer and Reporter,* Jan. 20, 1864.

despotism are freely used to prevent the uprising of the noble patriots of the 'dark and bloody ground'."[115] In November (1864), the rumor reached Washington that the state was about "to inaugurate a second rebellion" not to join the Confederacy but to become independent.[116] In September Bramlette had openly said to Lincoln, "It cannot surely be the purpose of any to ascertain, how much a brave and manly people will bear, rather than revolt against their Government. And yet some of the measures adopted wear much the aspect of such an experiment."[117]

An agent of the War Department was in Kentucky during the latter part of the year (1864), making observations and informing Secretary Stanton. He was merciless in his hostile criticism of Bramlette, whom he declared had "slender capacity, great vanity, and greater ambition." The governor's policy, he said, was "simply self first, State second, Union last." He did not have backbone enough to force an issue, hence, the Federal government could go its own way undisturbed by his views or threats. "He knows his people are disloyal, and so he qualifies his Unionism." The trouble with Kentuckians was that the Federal government had humored them until they had "become more violent in their denunciations of the administration than the original rebels. A large majority of Kentuckians are today undoubtedly disloyal." Blood and iron should be meted out "and Kentucky feel herself governed, as she now is not either by civil or military authorities." If the Governor should array himself against the Administration, there should be no hesitancy in superceding him.[118]

[115] *Macon Tri-Weekly Teleraph,* Feb. 24, 1864. "Address of Congress to the People of the Confederate States."

[116] *Cincinnati Gazette,* Nov. 16, 1864.

[117] *Kentucky Senate Journal,* 1865, pp. 34, 35. Sept. 3, 1864.

[118] *Official Records,* ser. I, vol. 45, part 2, pp. 93, 94. E. H. Ludington, Dec. 7, 1864. See also *ibid.,* part 1, p. 1165. Ludington to Stanton, Nov. 24, 1864. The feeling was unquestionably rather general throughout the North that Kentucky was a pariah among the elect. The *Philadelphia Press* said, "The stern necessity of war has made Kentucky firmly in the Union. Her influence is against the Administration. In every step taken by Mr. Lincoln he has found Kentucky in his way. She opposed the first call for troops, confiscation, emancipation, the arming of the blacks." Quoted in *Louisville Journal,* June 23, 1864. Many people thought the wrong policy had been pursued in dealing with the state. Governor Brough, of Ohio, on June 11, 1864 said, "You must change your policy in Kentucky. . . . Nothing but a vigorous application of Maryland policy will save Kentucky, and the longer that is delayed the more dangerous Kentucky becomes." *Official Records,* ser. III, vol. 4, p. 429. Yet there were others of the Northern persuasion who felt a bungling policy had been adopted toward the state in the severity already meted out. W. B. Sipes, the Federal commander at Covington, on December 18, 1862, said, "The mistake in my judgment has been all along in considering this Commonwealth as a

The greatest excitement by the end of the year (1864) centered around the question of state troops and the resultant Burbridge-Bramlette quarrel, which grew to eclipse all else. The few state troops that Bramlette had been able to raise and hold together were looked upon with the greatest hostility by Burbridge. He knew Bramlette would be less dangerous if he had no troops, and so he studied and planned for their destruction. At times Burbridge was on the verge of disbanding them through permission from the War Department, but the protests of Bramlette and committees which he would send to Washington would always save them.[119]

The heated quarrel became increasingly bitter and more personal. There could be no peace in Frankfort and over the remainder of the state for that matter, as long as Burbridge remained in command in Kentucky. Bramlette wrote both Grant and Sherman to secure his removal, placing a hundred crimes at his door.[120] Grant agreed that Burbridge was out of place in Kentucky, and admitted that he had no faith in his ability and good sense.[121] He said, "Any officer of rank (not a Kentuckian) would be better than Burbridge, who has politics in his head."[122] In the latter part of January a committee of the legislature was sent to confer

treasonable Commonwealth and in endeavoring to crush her by the exercise of power instead of appealing to her in the language of reason." *Official Records,* ser. II, vol. 4, p. 97. Under the heading of "Kentuckyism versus Unionism" a *Cincinnati Commercial* correspondent (Sept. 1, 1862) wrote, "The amount of injury or benefit done to Kentucky by the war is the exact measure of their interest in the struggle. . . . Their narrow-minded patriotism is bounded by the Cumberland Mountains on the one side and the Ohio River on the other and beyond these boundaries they care little what transpires. They are 'home guards' of the meanest and most selfish kind, and are undeserving of the name of Unionists. . . . A woman born and reared in Kentucky thinks her native state a paradise, and all beyond a region devoid of the beauty and loveliness indigenous to her native soil." Kentucky felt keenly this criticism and did not refrain from defending herself. The *Louisville Journal* said (Oct. 11, 1862), "All these debased abolitionists delight to revel in scurrilous abuse of Kentucky, lacking either the sense to see or the candor to acknowledge, that to her position and that of the other Border States, the cause of the Union is almost boundlessly indebted for its prosperity." It said also (Feb. 16, 1864), "But if Mr. Lincoln shall continue to treat Kentucky as a loyal State, as we think he must desire to do, he will only pay her a fraction of what he owes her." The *Tri-Weekly Commonwealth* (Feb. 14, 1863) saw the state despised in all quarters: "Kentucky loyalty is doubted and sneered at by the radicals of the North, while throughout the Southern Confederacy, she is hated with a bitterness exceeding that which the rebels feel toward Massachusetts."

[119] *Kentucky Senate Journal,* 1865, pp. 39-89, *passim; Cincinnati Gazette,* Jan. 19, 1865; Collins, *Kentucky,* I, 152.

[120] *Official Records,* ser. I, vol. 39, part 3, p. 724.

[121] *Ibid.,* 725. Nov. 14, 1864.

[122] *Ibid.,* part 2, p. 39. May 19, 1864.

with Lincoln in an effort to come to some final agreement on state troops. The radical element, supporters of Burbridge, hurriedly got together a rival committee, which also hurried to Washington.[123] Nothing definite was determined upon at this time by Lincoln; but it was becoming clearer to him that Burbridge was destroying every vestige of Kentucky support.

The crisis came in early February, when on the 6th Burbridge boldly proclaimed the state under martial law and demanded that all troops under state authority disband and store their arms in the state arsenal or deliver them to the Federal quartermaster.[124] In taking this drastic step Burbridge set into motion unlooked for forces and encompassed his own downfall. Bramlette immediately telegraphed Stanton: "This unwarranted assumption of power by an imbecile commander is doubtless instigated by those who have long sought to provoke an issue with the State, and which I have prevented." He demanded an immediate revocation of the order.[125] Burbridge complained that most of these troops were worse than useless, and that they were given to general marauding.[126] They were known as "Bramlette men" and copperheads, and were declared to be on good terms with the guerillas.[127] Lincoln clearly seeing what the result might be, revoked the order and thereby sadly disappointed the Burbridge men, and his own so-called supporters.[128]

Lincoln's refusal to sustain Burbridge was received with unwelcomed surprise by the radicals. One of them complainingly wrote Lincoln on February 9th, "We have been a true people to the Union cause. Are we to be sold to Governor Bramlette and the copperheads of Kentucky? If so, let the Union party know, so we can find a place of safety. General Burbridge is our leader, and we will not be led by Bramlette. The withholding of Burbridge's order in regard to State troops is a complete victory for copperheads and rebels over that party who spent their money for your reëlection, and the success of our party now depends on you in Kentucky. If Burbridge be sustained, the Union party will be

[123] *Kentucky Senate Journal*, 1865, pp. 449-451; *Cincinnati Gazette*, Jan. 17, 21, 1865.

[124] *Official Records*, ser. I, vol. 49, part 1, p. 667.

[125] *Ibid.*, Feb. 7, 1865.

[126] *Ibid.*, 672. Burbridge to Stanton, Feb. 8, 1865.

[127] *Ibid.*, 657. Feb. 5, 1865.

[128] *Cincinnati Gazette*, Feb. 10, 1865; Collins, *Kentucky*, I, 155. Feb. 8, 1865. Lincoln had considered issuing the order, but had not actually given Burbridge permission to act.

triumphant. If not, the copperheads will triumph, and Kentucky is gone forever, and who will be to blame?"[129]

Lincoln seeing that the state could never be pacified with Burbridge in command, decided to remove him. The *Louisville Journal* on February 10th published the short announcement: "Maj. Gen. John M. Palmer of Illinois has been appointed to command in Kentucky. Thank God and President Lincoln."[130] This news was received with consternation by many of the radicals.[131] One of the disappointed wrote Lincoln, "Your enemies here are jubilant and your friends are despondent over the rumored removal of General Burbridge. With him as commander we will quietly and peaceably eradicate slavery from the State."[132] But there were others, supporters of Lincoln with more honorable purposes who condemned this outcry. The *Commonwealth*, which had now become a Lincoln organ, said, "Mr. Lincoln either had to change his commanders here, or give the whole of his time to the management of Kentucky affairs."[133]

Most Kentuckians, now for the first time within many months, breathed with a sigh of relief. Palmer was welcomed generally as the people looked forward to a new day. According to the *Lexington Observer and Reporter*, "The fact that he regards Kentucky as a loyal state, and her people who yield obedience to the Constitution and laws as entitled to the same treatment that the people of the other loyal States receive, is enough of itself to give assurance that Kentuckians are not to be subjected to the system of annoyances and wrongs which has hitherto oppressed them."[134] Palmer on arriving in Frankfort was invited by the legislature to be present in the hall of representatives to receive the personal welcome of that body. He was introduced to each member by Governor Bramlette, after which a resolution was passed welcoming him to the state.[135]

[129] *Official Records*, ser. I, vol. 49, part 1, p. 683. From C. T. Worley.

[130] Burbridge had been appointed in the summer of 1864. For order concerning his appointment see *ibid.*, vol. 52, part 1, p. 537; ser. III, vol. 4, pp. 218, 584.

[131] *Cincinnati Gazette*, Feb. 15, 22, 1865. George Morrison wrote R. J. Breckinridge, February 15, 1865, "The circumstances of his removal if true is humility and destruction to us." *Breckinridge MSS.*, 1865.

[132] *Official Records*, ser. I, vol. 49, part 1, p. 698. D. L. Price, Feb. 11.

[133] Semi-weekly edition, Feb. 24, 1865.

[134] March 11, 1865.

[135] *Cincinnati Gazette*, Feb. 21, 22, 1865.

Palmer was cautioned by Stanton to cultivate good relations with Kentucky;[136] but his position required more tact and patience than was the possession of most people. The only solution to Kentucky's ills was the end of the war and all of its effects. It was soon evident that his policy would be little different from Burbridge's;[137] but it could always be remembered that he was free from the unforgivable record of Burbridge. He continued to urge negro enlistments, and especially so after March 3rd, as an act of Congress of that date made free the wives and children of all negroes enlisting.[138] The approaching end of the war relieved Palmer from the extremities of unpopularity to which Burbridge had gone; but the end of the war did not bring peace and contentment to Kentucky.

The military authorities throughout the war failed to evaluate and understand Kentucky, the character of her people and their sentiments, the peculiar position of the state, its history immediate and remote. Any régime that could have been devised would have had troubles enough; but it seems the Federal commanders sent to Kentucky were particularly unfortunate in their understanding of the best way to perform their work.

[136] *Official Records,* ser. I, vol. 49, part 1, pp. 670-672. Feb. 8, 1865.
[137] *Cincinnati Gazette,* Feb. 23, 1865.
[138] McPherson, *History of the Rebellion,* 565.

CHAPTER XI

COMMERCIAL RESTRICTIONS AND OTHER MILITARY RIGORS

An army of occupation, whatever may be its intentions, soon grows unpopular. And so it was in Kentucky; the people early came to the conclusion that they had taken unto their bosom a nest of vipers when they welcomed the Federal troops. A hundred rules and restriction were soon hedging the citizen about on every side and making him feel that the Federal forces must have been sent to the state to ruin him and vex him to death rather than to protect him from the Confederates. This feeling came to be almost a consuming passion after a few years experience with military rigors. The army authorities were accused of going on the assumption that the state was disloyal and of "predicating her proper treatment on that fact." "The effect," it was added, "has been that the tender sensibilities and just pride of the people have been wounded, that all their sacrifices have been disregarded, and the other loyal States have been led to sneer at the idea of Kentucky patriotism and loyalty."[1]

One of the first classes of restrictions to come and the last to go was the system of rules designated to control the commerce and other economic activities of the people. With a large number of people sympathetic to the South and eager to aid it, there was no more important or persistent problem and none more difficult than this one: To allow the state to carry on its legitimate trade and at the same time crush all commerce with the Confederacy. The changing national policy on trade with the Confederacy was soon sowing confusion, and the military authorities with their peculiar adaptability to offending Kentuckians made it worse confounded.[2] In its trade policy the Federal government regarded Kentucky for the greater part of the war more as a member of the Southern Confederacy than as a part of the United States.

As has been noted, ineffectual efforts had been made to control the state's commerce while she was still neutral, by watching the

[1] Editorial in *Semi-Weekly Commonwealth*, Feb. 21, 1865.

[2] See E. M. Coulter, "Commercial Intercourse with the Confederacy in the Mississippi Valley, 1861-1865" in *Mississippi Valley Historical Review*, IV, 4 (March, 1919), 377-395.

destination of goods and seizing all articles bound for the Confederacy. When the occupation of the state by Federal troops came, greater control could be exercised. The first rigorous treatment was meted out to the most pro-Southern region in all the state—the territory west of the Cumberland River. Secretary Chase absolutely prohibited commerce with this region, drawing no distinction between it and Tennessee.[3] Grant, who occupied Paducah in early September (1861), forbade all trade between western Kentucky and Illinois;[4] and shortly thereafter permits were required for all steamers plying west of Louisville. They were not allowed to land except at certain points, permits were required for every consignment of freight, and passengers had to produce passes to continue their journey.[5] At a later time no stops were allowed between Evansville and Paducah. No ferry boats at all were allowed on the river.[6] These interferences were strongly opposed by Louisville business men and others. One interested person said that if trade on the Ohio River was to be stopped and the navigation of that stream suspended, "a few days notice ought to be given, so that we may have a little time to close up our business, fold our arms and die gracefully."[7]

Outside of western Kentucky the state was for the most part treated as loyal territory to begin with. The boundary between loyalty and disloyalty was to be the Tennessee line, and across this line there should be no communication. Kentucky should be isolated from the South so that "there can be no connection with the seceding States on matters of business, pleasure, caprice, or affection."[8] But it was soon seen that few Kentuckians were patriotic enough to break their former trade connections with the South, especially as new and inviting opportunities presented themselves in the wake of the triumphant Federal armies. The Tennessee and Cumberland rivers were ready roads to these new fields, and steamers began to make use of them as fast as Grant cleared the way. By March, 1862, a system of permits was set up in an effort to control this trade, which according to a military order was "made necessary by the persistent efforts of persons in the loyal States who sympathize with those engaged in the rebellion,

[3] *Cincinnati Commercial,* Sept. 18, 1861.
[4] *Official Records,* ser. I, vol. 7, p. 449. Nov. 26, 1861.
[5] *Cincinnati Commercial,* Jan. 20, 1862; Collins, *Kentucky,* I, 98.
[6] *Cincinnati Commercial,* Oct. 29, 1862.
[7] Quoted *ibid.,* Nov. 16, 1861.
[8] *Ibid.,* Oct. 24. See also *ibid.,* Sept. 20.

and by peddlers and corrupt traffickers, many of whom have come from disloyal States and sections expressly for the purpose, to smuggle goods, medicines, and other supplies through to the insurgents."[9] Close track was kept on the permits and frequent renewals were required.[10] Now and then a certain amount of laxity was allowed, especially when the traders gained the ascendency with army officers or treasury officials and when the military authorities through this ruse would attract merchant vessels in order to seize them for military operations.[11]

By the summer of 1862 the Federal government had decided to move the boundary of the restricted commercial area to the Ohio River and thus Kentucky as far as her commercial treatment was concerned became a part of the Confederacy. Louisville was the only point south of the Ohio at which trade might enter without a permit.[12] "Aids to the revenue" were appointed to watch all commerce and to accompany steamers at certain times.[13] The system was extended to all public carriers on land also, where both the carrier and the shipper were forced to get permits or suffer the penalty of confiscation of their goods. Any person applying for a permit was required to give the character and value of the goods, the number and description of the packages, the name of the consignee, the destination, and the route of transportation.[14] As none but the staunchest Union men were given permits, it was hoped to drive out of business all who sympathized with the South or were lukewarm to the Union. An all-inclusive oath of allegiance to the Union and a denial of ever having aided the Confederacy were required, and in case of doubt the endorsement of six

[9] *Official Records,* ser. I, vol. 8, p. 585. March 3, 1862. N. H. McLean, General Order, 52. For a further discussion of trade in the wake of the armies see Connelley and Coulter, *History of Kentucky,* II, 868-884.

[10] *Official Records,* ser. I, vol. 8, pp. 585, 834; *Cincinnati Commercial,* March 31, 1862.

[11] *Official Records,* ser. I, vol. 17, part 2, p. 21. Halleck attracted steamers up the Cumberland for this purpose. *Ibid.,* vol. 10, part 2, p. 18.

[12] "Report of the Secretary of the Treasury on the State of the Finances, June 30, 1862" in *House of Representatives Executive Documents,* 37 cong., 3 sess., 268. Aug. 28, 1862. Also *ibid.,* 1863, 38 cong., 1 sess., 416.

[13] *Ibid.,* 269, 270; *ibid.,* 1863, pp. 262, 263, 411; *Annual Cyclopædia,* 1863, pp. 199, 200.

[14] *Ibid.,* 1862, p. 268. Aug. 28, 1862. This is a copy of a permit: "This to certify that.....of.....County, State of.....has permission to ship.....out of and into the State of Kentucky." *Official Records,* ser. III, vol. 4, p. 690.

unconditional Union men was demanded.[15] In 1864, trade in arms and munitions of war was absolutely prohibited throughout the state.[16]

These restrictions, as necessary as they might seem, were condemned by almost all Kentuckians alike since they emanated from the military authorities from whom it was widely felt nothing good could come. In carrying out these regulations the play of vengeance and personal grudge could easily creep in and deny permits on the grounds of Southern sympathies. Louisville felt that the rules were made to work her own ruin to the advantage of her strong rival, Cincinnati.[17] But as long as trade regulations were concerned primarily with interstate trade, the mass of Kentuckians were not directly affected. Only when the military authorities began to interfere with the buying and selling among individuals within the state, closing cross-roads stores and town markets—only then did the full condemnation of the whole state fall on the perpetrators.

This interference took various forms. Burbridge set up boards of trade all over the state whose permits were necessary to carry on ordinary commercial transactions, including the purchase of family supplies. These permits were issued to run for only four months. This power soon developed into a tyranny for only "loyal persons" could obtain them, and the military authorities alone determined who such persons were. By refusing permits they drove many people out of business, and according to the *Commonwealth,* "Hundreds—we may say thousands of persons had paid to the Revenue Collectors in Ky. a license tax to transact for twelve months a particular kind of business, who were refused a permit by these boards of trade."[18]

This evil ran into political proscriptions and newspapers whose politics was not acceptable were effectively squelched by a refusal to give them a permit to buy print paper. The *Lexington Observer and Reporter,* which supported McClellan, was forced to

[15] *Cincinnati Commercial,* Nov. 14, 1862; Collins, *Kentucky,* I, 115, 121, 122. This is a copy of the oath required: "I do solemnly swear that I have not by word or action given the slightest aid and comfort to the present rebellion, and that by conversation and action I will do all I can to discourage and discountenance and overthrow the rebellion, and will use all my influence to restore the authority of the Government of the United States over the States now in rebellion." *Official Records,* ser. III, vol. 4, p. 690.

[16] *Official Records,* ser. I, vol. 41, part 2, p. 535. April 13, 1864.

[17] A resolution was introduced in the Kentucky House to inquire into the situation. *Cincinnati Commercial,* Dec. 23, 1863.

[18] Quoted in Collins, *Kentucky,* I, 156. See also *ibid.,* 138.

suspend in the fall of 1864 and did not resume again until Burbridge was removed, or in the words of its editor, "until the whole system of trade regulations, with the boards of trade themselves (which *hung like the pall of death upon the business of this city*) were swept out of existence by the same hand that created them."[19] The *Maysville Bulletin* on being refused a permit to buy print paper subsisted for a time on small tea wrapping paper 12 by 16 inches in size, while the *Danville Tribune* appeared for a time on a half sheet.[20]

Federal treasury regulations prohibited merchants in towns of less than 20,000 to purchase over $3,000 worth of foodstuffs monthly. By this method it was hoped that trade would assume ration proportions for the community, and if the people choose to sell to others they would have to sell at the price of starvation for themselves.[21] Under this arrangement Lexington was allowed only $34,000 worth of all kinds of merchandise monthly, and no merchant could engage in the wholesale business or have more than two months' supplies on hand at one time.[22]

Bramlette complained to Lincoln that the trade permit system set up by Burbridge "has been most shamefully carried out in some places. Although his published order *seems* fair enough, yet the manner of its execution revolts the public sense. . . . Many *loyal men* are driven out of business—after having paid the tax and obtained a license, and for no other reason than their political preferences."[23] He declared in his message to the legislature in January, 1865, that this trade permit régime "was a most shameful and corrupt system of political partisan corruption and oppression."[24]

[19] *Ibid.*, 143, 153, 154. The editor said further, "A secessionist we never have been, as the files of our paper from the incipiency of this rebellion demonstrate —an abolitionist we not only never have been, but never can be." *Lexington Observer and Reporter,* Jan. 28, 1865.

[20] Collins, *Kentucky,* I, 141, 143.

[21] "Report of the Secretary of the Treasury on the Finances," 1863, pp. 412, 413.

[22] Collins, *Kentucky,* I, 124.

[23] *Ibid.,* 148. He wrote Lincoln, September 3, 1864: "The ordinary and necessary trade of the State is now, subjected to restrictions which harass the citizen without any compensating public good, and which wear more the phase of subjecting the citizens to odious political tests than looking to the public good." *Official Records,* ser. III, vol. 4, pp. 688-690.

[24] *Kentucky Senate Journal,* 1865, p. 11. Jan. 4. The legislature in January, 1865, authorized the governor to appoint a committee to investigate the boards of trade. Collins, *Kentucky,* I, 157.

This interference was considered doubly outrageous as the Treasury Department had announced on January 8, 1864, that all restrictions on trade in Kentucky were thereby "annulled and abrogated" and that all products and goods might be "freely taken into and transplanted within the state as in time of peace."[25] By this time the field of major conflict had been pushed so far to the southward that it was felt the Kentucky trade might be opened up with safety. But the army officers had no such feeling. D. E. Sickles, at Memphis, warned Lincoln that an extensive frontier was being opened up through which the enemy would be supplied;[26] and the commander at Cairo predicted that the trade of western Kentucky would certainly go to the Confederates in Tennessee.[27] Thus it was that Burbridge must have had considerable sympathy in army circles in his trade restrictions, irregular and forbidden as they were. The commerce of the whole country was finally set free on August 29, 1865.[28]

One of the outstanding military extortions practiced on the Kentucky people was the régime of General E. A. Paine, carried out in western Kentucky, where the heel of military domination had always hit hardest. This region, as has been noted, had been early outlawed by the Federal trade regulations, and the people through their stiff-necked opposition to the Federal troops immediately brought down upon themselves severe military rigors. Paducah, the hot-bed of hatred of the Federals, drew upon its head in October, 1861, the threat from the commander, that as leniency seemed to do no good, he had decided to take such measures as the circumstances called for, and what those would be time alone would divulge.[29] With this leeway the conduct of the soldiers soon became so harsh and severe that their commander was forced to warn them against excessive zeal in molesting the inhabitants.[30] One incident indicative of many others was the waving of a Confederate flag from the home of an influential Paducah family as Federal troops were marching by. Considerable trouble ensued

[25] *Annual Cyclopædia,* 1864, p. 189; *Hunt's Merchant Magazine,* XL (1864), 241. This order also applied to Missouri.

[26] *Official Records,* ser. I, vol. 39, part 2, p. 60. May 31, 1864.

[27] *Ibid.,* vol. 32, part 2, p. 427. H. T. Reid to Grant, Feb. 18, 1864.

[28] For various orders see *ibid.,* ser. III, vol. 5, p. 49; *Annual Cyclopædia,* 1865, p. 186.

[29] *Official Records,* ser. I, vol. 4, p. 302. Proclamation, Oct. 10, by C. F. Smith.

[30] *Rebellion Record,* III, 418, 419 (doc.)

when soldiers attempted to seize the flag and forcibly nail the United States flag to the house.[31]

The military commanders were becoming exceedingly provoked at the continued refusal of the people to develop into good Unionists. By the middle of 1863 only four counties out of the fourteen comprising the First Congressional District had furnished over a hundred Union soldiers each, and out of the remaining ten, Hickman had furnished nine and Fulton still boasted of the proud record of none.[32] By 1864, more rigid rules were being enforced on all river crafts and in April of that year an order was issued annulling all trains out of Paducah and Columbus except for military purposes.[33] The Confederates were regularly making raids into this region and carrying off large stores of provisions; and it was done at the connivance of the inhabitants, it was believed by the Federal military authorities.[34] It was also believed that the people were on good terms with the guerillas. The commander of western Tennessee in June, 1864, issued an order forbidding them to sell their cotton or tobacco or purchase supplies until they should drive the guerillas and Confederate raiders out.[35]

On July 11, 1864, the branch of the Union League of America at Paducah bemoaned to the Federal commander of western Tennessee that a great amount of trade was going out of western Kentucky and especially that "Rebels are doing all the business, and they are reaping all the advantages of trade." They recommended that Paine be put in command with a free hand to manage affairs.[36] The Union League won the day; Paine was appointed eight days later and immediately there began "a fifty-one days' reign of violence, terror, rapine, extortion, and military murder."[37]

During his short day of authority, Paine seems to have tried to reek vengeance for all the blasted hopes of the Federals during the previous three years. He assumed a violent and abusive attitude toward everyone, loyal and disloyal alike; in his mad career he took no time to draw distinction. He levied a tax of $100,000

[31] *Cincinnati Commercial,* Dec. 2, 1861.

[32] "Annual Report of the Adjutant General" in *Kentucky Documents,* 1863, pp. 15, 16.

[33] *Official Records,* ser. I, vol. 32, part 1, p. 515. April 2.

[34] "Trade with Rebellious States" in *House Reports of Committees, 1864-1865,* no. 24, 38 cong., 2 sess., p. 61.

[35] Collins, *Kentucky,* I, 134.

[36] *Official Records,* ser. I, vol. 39, part 2, p. 171. W. H. Kidd and others to C. C. Washburn.

[37] Collins, *Kentucky,* I, 136.

on the district, nominally for the benefit of soldiers' families;[38] he arrested many people, banished many, and put to death from five to forty; and he seized the rents from the property of suspected persons, confiscated much of their wealth, and assessed the people of McCracken County $95,000 because he believed they were Confederate sympathizers. By his withering rule he dried up the sources of trade. He levied a tax of $10 on every hogshead of tobacco and a twenty-five per cent. *ad valorem* duty on all cotton shipped out by others than "Unconditional Union men." Trade permits were sold for large amounts, "which, if admissible, should have freely been granted, and, if improper, should have, of course, been refused." He, furthermore, enriched himself by ordering the confiscation of property and then changing his mind for a fixed price. He or his agents approved all bank checks before payment was allowed, and for this service he collected fifty cents for each check. A standing charge was made on all letters, papers, or parcels, leaving Paducah, and often a special contribution of fifty cents was levied on soldiers' mail.[39]

Paine's insane course soon aroused the state to such a pitch that Burbridge appointed a commission consisting of Speed S. Fry and John Mason Brown to go to Paducah to investigate, following Bramlette's call on Lincoln for immediate action. On their approach, Paine and his henchmen fled to Illinois; but the commission carried on its investigation and brought against them charges of malfeasance in office, extortion and oppression, and murder.[40] In January, 1865, the United States Senate took up the investigation and called on the Secretary of War for all information in his possession.[41] Paine was later given a court martial hearing, which resulted in nothing more than a reprimand in general orders—a decision which Kentuckians considered to be a sad mockery of justice.[42]

The most brazen attempt of the military authorities to enrich themselves at the expense of the Kentucky people, the lowest and meanest prostitution of the power to regulate trade, was the so-called "Great Hog Swindle." On October 28, 1864, Burbridge issued a proclamation to the effect that the Federal government

[38] Collins, *Kentucky*, I, 138.

[39] *Kentucky Senate Journal*, 1865, pp. 24-32. Report of the committee of investigation appointed by Burbridge.

[40] Collins, *Kentucky*, I, 140, 141.

[41] *Congressional Globe*, 38 cong., 2 sess. (1864-5), part 1, p. 360.

[42] Collins, *Kentucky*, I, 157, 164.

wished to secure all the surplus hogs for army supplies and that Major H. C. Symonds had been given charge of the business. He hoped that the people would pack no more pork than was necessary for family use, as large stores scattered over the state invited Confederate raids.[43] Symonds now closed a contract with certain interests to pack 100,000 hogs, and in order to get them he appointed agents for the various districts and called on the people to sell only to these agents. He said no threats of impressments were being made, but he hoped that the people would understand that the Government had a prior claim. Although promising a fair market price, a price which he claimed the Government had fixed, his agents offered nevertheless from one to two cents a pound less than the Cincinnati and Louisville market. To force sales to the Government agents, permits were required to drive hogs to market, and guards were placed along the Ohio with orders to arrest anyone attempting to ferry hogs across the river.

The effect of this connivance between the military authorities and certain Louisville packers to force the price down, was to make it impossible for the other Kentucky packers to do any business at all, although they had agreed to sell to the Government their products at one dollar cheaper the hundredweight than the Cincinnati market. It also created a storm of protest among the farmers. Bramlette wrote Lincoln about the miserable conspiracy and sent a commission to Washington to explain more fully. Col. C. L. Kilburn, chief of the commissary at Louisville, had already resigned as a protest against this raid on the farmers, and Burbridge now denied having any part in the sorry business. Lincoln immediately on hearing of the swindle instructed Burbridge to revoke the orders that had been issued. On November 27th, the latter issued the following order: "All orders from these headquarters affecting the hog trade in Kentucky are revoked." Thus was an end put to a gigantic swindle lacking one day of being a month old. According to Governor Bramlette "the hog swindle was promptly ended, but not until the farmers had sustained losses to at least $300,000; yet in time to save them the loss of over one million dollars." About 60,000 hogs had been bought by Symonds' agents when Lincoln stopped the business. This scurvy attempt to make money in the name of the Government at the expense of the Kentucky farmers was long remembered and

[43] *Ibid.*, 144.

resented by the people generally.[44] Referring to the part played by the provost marshals in this affair as well as in many other activities, Nathaniel Shaler declared that the people of "Kentucky endured far more outrage from the acts of the Federal provost marshals than they did from all the acts of legitimate war put together."[45]

The army also took occasion to interfere with the corn trade carried on between the farmers and the distillers. In the fall of 1863, General Boyle ordered the distillers of the Blue Grass counties to turn over all their supplies of corn to the quartermaster's department and to make no more purchases. Later the order against the distillation of corn was applied to the whole state and was kept in force during the spring of 1864.[46] Certain individuals railed against this new and strange interference with personal liberty, but the more general feeling was that expressed by the *Commonwealth* that "the army must be fed, even if the home drinkers are put on short allowance in their drinks."[47]

In supplying the army of occupation as well as the armies of the West, and in carrying out the necessary military operations in the state much property was bought, seized, and destroyed, which greatly interfered with the people's peace of mind. Fences were demolished, roads torn up, horses and other livestock taken, and provisions requisitioned. As Kentucky was the happy hunting ground for those looking for horses, it became increasingly difficult for the owners to keep them. The practice became so common among "Stragglers, Followers, and Cavalrymen" of taking any horses they could find, that one Federal commander threatened to punish the culprits with death.[48] General Boyle issued an order in September, 1863, putting an end to "fraud and imposition" in securing horses by forbidding soldiers to take them without orders from headquarters.[49] But by the end of 1864, Secretary Stanton had so far departed from this policy that he ordered General Thomas "to seize and impress horses and every other species of property needed for the military services in your command."[50] This severe policy led James F. Speed and Bland Ballard to com-

[44] *Kentucky Senate Journal,* 1865, pp. 11, 12, 42-50; Collins, *Kentucky,* I, 144, 145, 151-153.
[45] Shaler, *Kentucky,* 353.
[46] Collins, *Kentucky,* I, 128, 130, 131.
[47] *Tri-Weekly Commonwealth,* Nov. 6, 1863.
[48] *Cincinnati Commercial,* Sept. 16, 1862.
[49] *Tri-Weekly Commonwealth,* Sept. 16, 1862.
[50] *Official Records,* ser. I, vol. 45, part 2, p. 18.

plain to Stanton of the oppressions that were being visited upon loyal and disloyal alike. "Loaded country wagons," they said, "with produce for market are left in the road; milk carts, drays and butchers' wagons are left in the streets, their horses seized."[51]

Even when more politeness and consideration was shown and receipts given, the evidence was often so imperfect as to be worthless in establishing claims to recompense.[52] Prentice's *Louisville Journal* declared that it well understood "the thousand giant difficulties with which the Government has to struggle in this crisis, but surely it must know that letting its friends be ruined and beggared where its armies go and leaving them without hope of restitution would be no way to prosecute the war effectively."[53]

It was one long struggle on the part of Kentucky to collect the claims of her citizens against the Federal government. The legislature in 1863, called on the Kentucky congressmen to use their efforts to secure payment and to have better evidence given the people when their property was taken;[54] and a year later the state provided an elaborate system through which the people were to present their claims.[55] It believed an easier and more speedy way should be devised than through the Court of Claims. To aid the poor people of the state who could not carry a claim through this court, the legislature called for a special court of claims for Kentucky alone.[56] It also called on the Federal government to pay the people for all their "losses sustained by rebel raids of all kinds." It was understood that Indiana and Ohio were to be paid for the damages done by Morgan's raid, and to do so without also paying Kentucky's claims would be an invidious distinction that could not be tolerated. Furthermore, Kentucky was "as loyal as any State within the Union."[57]

Not only was the state interested in seeing that its citizens were paid; but it also had debts of its own which it was anxious to collect. The state expected the Federal government to pay for

[51] *Ibid.*, 139. Dec. 10, 1864.

[52] Complaints of this were made in the governor's message to the legislature. *Daily Commonwealth,* Dec. 8, 1863. Many were greatly discontented on account of the failure to make collections on the vouchers left by the army. It was believed that contractors and speculators were paid but not so in the case of the poor people. *Breckinridge MSS.*, 1865. M. L. Rice to R. J. Breckinridge, March 31, 1865.

[53] Dec. 19, 1862.

[54] *Acts of Kentucky,* 1862, p. 388; Collins, *Kentucky,* I, 119. Feb. 4, 1863.

[55] *Acts of Kentucky,* 1863, pp. 94-96. Feb. 20, 1864.

[56] *Ibid.*, 140, 141. Jan. 20, 1864.

[57] *Ibid.*, 143. Jan. 20, 1864.

the use of its rivers and turnpikes, just as any other agency making use of them should do. This the latter refused to do at first; but finally it agreed to pay one half of the regular tolls.[58] But it was so slow in making payments that as early as 1863 Kentucky was begging Congress to make a settlement.[59] The state also expected the Federal government to pay for the early state troops who had beat back the first Confederate onrush.[60] For months the Federal government delayed paying for these services as well as for the war equipment that the state had generously handed over in her first enthusiasm on entering the war. Some of this property was returned, but almost two years later, 30 pieces of ordinance and from 8,000 to 10,000 muskets had not been accounted for.[61] A claim agency was set up in Washington in 1864 for the sole purpose of urging the Federal government to pay its debts.[62] When the war ended the whole debt amounted to about $1,500,000, which continued as a disturbing factor in the relations of the state and nation for years thereafter.[63]

Using the lever of loyalty the military authorities carried out their grudges against Unionists and pro-Southerners alike, for there was no one who could not be accused of being a "rebel"; and those whose loyalty was really open to question felt the full effect of the impressment system.[64] The general policy was to take nothing from Unionists which could be seized from the "sympathizers with the rebellion and of those opposed to furnishing any more money or men." When horses captured by the Confederates were recovered, only approved Unionists were permitted to receive them back again. Rebel sympathizers were "those persons in Kentucky, nominally Union men, but opposed to the Government and to the prosecution of the war, whose acts and words alike hinder the speedy and proper termination of the rebellion."[65] Much of the property seized from this class of peo-

[58] *Report of the Board of Internal Improvements, 1864.*
[59] *Acts of Kentucky,* 1862, p. 389. Feb. 13, 1863.
[60] *Louisville Journal,* Jan. 30, 1862.
[61] *Congressional Globe,* 37 cong., 3 sess. (1862-3), part 1, p. 187.
[62] Collins, *Kentucky.* I, 131. Feb. 20.
[63] *Annual Cyclopædia,* 1865, p. 459.
[64] Robert J. Breckinridge received many complaints from people who claimed they were loyal, yet who had suffered the confiscation of their property. *Breckinridge MSS.,* 1864.
[65] Military orders of July 23, 24, and 25, 1863. *Tri-Weekly Commonwealth,* July 29, 1863; *Rebellion Record,* VII, 449, 450 (doc.); McPherson, *History of the Rebellion,* 315; Collins, *Kentucky,* I, 127. Diligent efforts were made to prevent "rebels and rebel sympathizers" from receiving any benefits resulting from army contracts. *Ibid.,* 133.

ple was never paid for, as was indeed also true in the case of some of the strongest Unionists the state could produce.

Perhaps the worst record left by the military authorities throughout their whole régime was made in dealing with the most difficult problem they had to meet, the withering and devastating lawlessness that came to hold almost the whole state in its death-like grasp. This was the logical though awful result of a society embittered and torn as was Kentucky's; and the state had feared just that condition when it entered the war. The legislature on September 20th (1861) anxiously resolved, "That if collision between hostile armies shall take place within our territory, that it is most earnestly recommended to the people of Kentucky, not to engage in said strife among themselves, on account of political differences. . . ."[66]

A dangerous and unwise move, however necessary it may have seemed at the time, was made by the state in the very beginning, when it organized the Home Guards as a foil to the State Guards and thereby arrayed the people in arms against each other. Composed of men between the ages of sixteen and sixty-five, the former were loosely organized, and were considered to be neither state militia nor Federal troops. They came together voluntarily and received no pay.[67] The temptation was, thus, great for unworthy men to foregather for unworthy purposes. When the State Guards left the state or were dispersed, the Home Guards remained in possession of the arms that had been given them. Sherman found it impossible to recover these arms, which had been "confided to them for special reasons," now no longer holding;[68] and Lorenzo Thomas found they "refused to surrender those in their possession, alleging the desire to use them in the defense of their individual homes if invaded."[69]

These organizations were authorized by state law, and were countenanced by the state authorities throughout the war. Like groups were sometimes encouraged by commanders in the field, as was the case in Columbus where Union men were allowed in 1863 to organize themselves into "a mutual home organization" and where the Federal commander asked authority to provide them

[66] *Kentucky Yeoman,* Sept. 24, 1861.

[67] *Acts of Kentucky,* 1862, pp. 317, 318. Sept. 5, 1862. See also *Official Records,* ser. II, vol. 4, p. 706.

[68] *Ibid.,* ser. I, vol. 4, p. 299. Oct. 8, 1861.

[69] *Ibid.,* 314. To Cameron, Oct. 21, 1861.

with weapons.[70] About the same time efforts were made to organize on a widespread scale Home Guards to act as "armed police," but who would "be held to strict accountability for their acts as such."[71] As the state became more and more disorganized and demoralized with the surge of war, those Home Guards, without the necessary military restraints, took upon themselves the task of regulating affairs to their own notions. They became exceedingly obnoxious to many on account of their zeal in arresting those they disliked or driving them out of the community.[72] Burbridge in an order on September 14, 1864, declared that he was pained to hear that "squads of Federal Soldiers and companies of men, styling themselves 'State Guards,' 'Home Guards,' 'Independent Companies' etc., are roving over the country, committing outrages on peaceable citizens, seizing without authority their horses and other property, insulting and otherwise maltreating them." He declared that "anyone, armed in the cause of Union and Law, should engage in robbing and plundering defenseless citizens, is humiliating in the extreme; and he who so dishonors his calling deserves the severest punishment." He ordered the immediate restitution of all property they had seized and forbade them to interfere thereafter without written permission.[73] Confederate military authorities considered them as irregulars unknown to the laws of war. Many of them they arrested and paroled, others they held as outlaws and refused to exchange.[74] Near the end of the war, Governor Bramlette admitted that the Home Guards had been a failure.[75]

This species of fighters was a dangerous example for others, and as they carried on their activities they aroused hatreds which others arose to avenge. The most devastating lawlessness that beset the state came from the guerillas, who owed their rise in part to conditions produced by the Home Guards. Before the end of the war there was not a county in the state which had not been infested by these mediaeval fighters, and the trail they left

[70] *Official Records,* ser. I, vol. 30, part 3, pp. 66, 67. A. J. Smith to S. A. Hurlburt, Aug. 18, 1863.

[71] *Ibid.,* 621. Sept. 14, 1863.

[72] *John Aker Lafferty and Frances Henry Lafferty his Wife during the Civil War* (Manuscript in the possession of the writer); Smith, *History of Kentucky,* 618.

[73] *Lexington Observer and Reporter,* Sept. 24, 1864; Collins, *Kentucky,* I, 141.

[74] *Official Records,* ser. II, vol. 4, p. 706; *Rebellion Record,* V, 62 (diary).

[75] *Lexington Observer and Reporter,* Dec. 9, 1865. Message to the legislature, Dec. 4.

reminded one of the Thirty Years War in Germany.[76] Champ Clark in describing the conditions said, "The land swarmed with cutthroats, robbers, thieves, firebugs, and malefactors of every degree and kind, who preyed upon the old, the infirm, the helpless, and committed thousands of brutal and heinous crimes—in the name of the Union or the Southern Confederacy."[77] Innocent and guilty, old and young, the guerillas slew regardless of sex, creed, or condition. Their hatreds and revenges seemed insatiable. They stole, plundered, and burned as they hurried along their career of destruction. A score of towns were fired and a dozen courthouses burned.[78]

The guerillas were a motley horde, scattered into roving groups, without connection or general organization. Each desperate leader attracted his own followers, who came from as wide a field as revenge and greed had to grow in. Some were deserters from the armies of both sides, others became guerillas in the first instance rather than become regular fighters. Many sought this method to avenge real and fancied wrongs. Few were actuated by motives that they, themselves, could torture into seeming honorable.

Kentucky became a sort of refuge for the lawless and unattached adventurers. One of the best known of all the guerillas came to the state near the end of the war and here met his death; this was Quantrill, whose name forever crowns the Missouri guerillas.[79] Governor Bramlette said that rebellious persons were "fleeing to Kentucky as a city of refuge," and that it was "becoming so common that it is worthy of consideration how far and upon what terms this is to be permitted."[80] Perhaps the best known and the most fearless of the Kentucky guerillas was Sue Munday (Jerome Clarke).

That the Kentucky guerillas were acting under the orders of the Confederates, as has been charged, is absurd; but that that Government looked with any great degree of aversion on their work may be very seriously questioned, for the guerillas were making bold strokes toward nullifying the military power of Kentucky—an enemy state. For a time the Confederacy vacillated

[76] See Shaler, *Kentucky,* 345; Smith, *History of Kentucky,* 670.

[77] *Proceedings of Congress accepting the statues of Benton and Blair,* 40.

[78] Collins, *Kentucky,* I, 108-159, *passim.*

[79] W. E. Connelly, *Quantrill and the Border Wars* (Cedar Rapids, 1910), 454-483.

[80] *Semi-Weekly Commonwealth,* Dec. 8, 1863. Message to the legislature.

on a policy of encouragement to "partisan rangers," a species of guerillas, but Secretary Benjamin of the War Department specifically declared that guerillas were not recognized by the Confederate Government "and cannot be authorized by this department."[81] Although guerillas were recognized generally as carrying on a work calculated to help the Confederate armies, and although they were often declared to be composed of Southern sympathizers, there are instances where the Confederate troops protected the people against their depradations. Major Walker Taylor used his troops in coöperation with the Home Guards in Breckinridge County to disperse guerilla bands there.[82] General Ludington, who was in the state making an investigation for Secretary Stanton in the latter part of 1864, declared that the guerillas preyed on all factions alike.[83]

But the civil as well as military authorities in the state went on the assumption that the guerillas were either Confederates or Confederate sympathizers and that they were materially aided by other people of like sentiments. Guerillas did not begin to attract attention until the summer of 1862, when the Confederates had been completely driven out.[84] Immediate and energetic measures were taken up to suppress them. General Boyle promised suitable punishment to those who should harbor guerillas or give them information or assistance, and striking out more boldly he declared that all damage done to loyal persons should be assessed against the disloyal of the neighborhood and payment enforced by a military commission.[85]

This policy of holding Confederate sympathizers responsible for damage done by guerillas was carried out with precision and rigor. Southern sympathizers in and around Caseyville, Union County, were assessed $35,000 with which to reimburse Union men robbed by guerillas.[86] On July 4, 1863, the Rocky Hill depot on the Louisville and Nashville Railroad was fired by guerillas, and according to the military authorities the people made no effort to extinguish it. The commander of the post said, "This, it is thought, if merely passive disloyalty, is rather too passive

[81] *Official Records,* ser. IV, vol. 1, p. 1008. See also *ibid.*, ser. I, vol. 51, part 2, p. 526; ser. IV, vol. 2, pp. 48, 289; ser. I, vol. 33, p. 1082.

[82] Collins, *Kentucky,* I, 152.

[83] *Official Records,* ser. I, vol. 45, part 2, p. 93. Dec. 7, 1864.

[84] *Ibid.,* vol. 10, part 2, p. 29.

[85] Collins, *Kentucky,* I, 102. June 9, 1862.

[86] *Ibid.,* I, 115, 139; *Cincinnati Commercial,* Oct. 29, 1862.

under the circumstances, and, in fact, amounts to crime, which, if not punished in the ordinary way, should, at all events be punished to the building of the depot." Accordingly a levy was made on the citizens, and it was approved by the Secretary of War.[87] This is an order served in another instance on Southern sympathizers: "You are hereby ordered to pay to J. H. Morton at these headquarters on the 1st day of September, 1864, $100 for the purpose of reimbursing Union citizens in your county and neighborhood for their losses by rebel soldiers and guerillas. By not complying fully with this order an additional sum of 50% will be added to the above amount."[88]

It seems only natural that strong Southern sympathizers, in the heat of war, might secretly rejoice at the destruction of Union property at the hands of guerillas; but the policy of holding them responsible for such losses would seem too severe. George D. Prentice in speaking of certain guerilla depredations, declared that it was "not to be supposed for a moment that all the prominent friends of the Southern Confederacy in that part of Kentucky give countenance to the maraudings of the guerillas or to the principle of guerilla warfare."[89]

Guerillas seemed to thrive even the more under these restrictions and by the beginning of 1864 they were swarming over the state in great numbers. Murdering and pillaging became so unbearable that the state government came to the aid of the military authorities. Governor Bramlette declared in October, 1863, that "the state shall be free from its murderous foes, even though every arm be required to aid in their destruction,"[90] and in the following January he seconded the army's blood and iron policy to end this menace to the very life of the state. He ordered that for every loyal citizen carried off by guerillas the military commanders should arrest "five of the most prominent and active rebel sympathizers" in the vicinity where the crime was committed, and that they be held as hostages for the safe return of the prisoner. The relatives of guerillas should be made the chief sufferers wherever it was possible. "Let them learn," said the governor, "that if they refuse to exert themselves actively for the assistance and protection of the loyal, they must expect to

[87] *Official Records*, ser. I, vol. 30, part 3, pp. 180-183. T. B. Fairleigh to A. C. Semple, Sept. 4, 1863.

[88] *Ibid.*, ser. III, vol. 4, p. 690. See also Collins, *Kentucky*, I, 128, 129.

[89] *Louisville Journal*, June 17, 1862.

[90] Collins, *Kentucky*, I, 128. Oct. 9, 1863.

reap the just fruits of their complicity with the enemies of our State and people."[91]

This proclamation was followed by a law passed on February 22nd (1864), novel in its application, designed to end the guerilla evil. It provided a civil remedy for damages done by Confederates or guerillas whereby double indemnity might be collected from the perpetrators. Furthermore, any person who should "counsel, advise, aid, assist, encourage or induce" anyone to destroy property or maltreat citizens was declared guilty of a high misdemeanor and punishable by a fine of $100 to $10,000 and imprisonment from six months to a year. Any persons who should have knowledge of the presence of guerillas and who should not report them immediately should be considered their aiders and abettors and should suffer punishment accordingly.[92] This law was particularly unwise as it left such persons exposed to the swift and certain retribution of the guerillas. The *Louisville Democrat* declared that if a citizen were to aid, "let him be protected in it; otherwise any expectation of his active help is unreasonable."[93]

Bramlette's proclamation was a blind thrust, which was just as likely to hit the innocent as the guilty, and which provided no form of trial, required no proof of guilt, indicated no redress nor relief, and left absolute power over personal liberty in the hands of irresponsible military officers. Both the proclamation and the law were soon largely neglected as far as the state authorities were concerned, and before the end of the year Burbridge was complaining that the failure of the state to coöperate was chiefly responsible for the continued guerilla evils.[94]

The inactivity of the state was due largely to the inevitable excesses to which the military authorities carried their campaign. Army orders had already gone out before Bramlette's proclamation, establishing a five to one ratio against Southern sympathizers for every Union man taken by guerillas;[95] and in the summer of 1864, Burbridge flung discretion to the winds when he ordered four guerilla prisoners to be selected and shot for every Union

[91] *Lexington Observer and Reporter*, Jan. 16, 1864; *Rebellion Record*, VIII, 327 (doc.); Collins, *Kentucky*, I, 130; Speed, *Union Cause in Kentucky*, 248, 249. Jan. 4.

[92] *Acts of Kentucky*, 1863, pp. 120, 121; Collins, *Kentucky*, I, 131; *Official Records*, ser. I, vol. 32, part 3, pp. 42, 43.

[93] Aug. 8, 1864.

[94] *Official Records*, ser. I, vol. 39, part 3, p. 761. Nov. 12, 1864.

[95] Collins, *Kentucky*, I, 125. July 5, 1863.

man killed.[96] Retaliation, though severe, was not unknown to the laws of war. The danger came in the selection of the prisoners to be shot; and here the niceties were made none too fine in distinguishing regular Confederate prisoners of war from guerillas. Many Confederate prisoners innocent of any crimes or even charges were led to the scene of guerilla depredations and shot, hanged, or done to death in some other way. In retaliation for the death of a Federal soldier at the hands of Sue Munday's guerillas, four prisoners, one of them a Confederate captain, were taken to the spot and shot; four men, part of whom were on their way to join the Confederate army, were taken from Lexington to Henry County and shot to death in retaliation for the death of two negroes at the hands of guerillas; two Confederate soldiers were taken from prison and hanged on the Lexington fair grounds; six Confederates were executed in Green County in retaliation for the killing of two Union men.[97] Perhaps the most brutal and unfortunate of all of Burbridge's executions was that of four men taken from the Lexington jail and shot to death on the outskirts of Frankfort. Six years later the bodies were disinterred amidst the execrations of Burbridge,[98] and even to this day the memory of the executions lingers in the minds of the people with bitter emotions.[99]

The guerillas were a fearful visitation upon the state, and richly merited all the punishment they received. In the almost unreasoning efforts to stamp them out, the military authorities made wide assumptions and executed many people innocent of any crime. It was a perilous move to declare persons suspected of having Southern sympathies responsible for guerilla depredations; and it was doubly dangerous to throw the doors of the prison camps open to the hangman to pick his victims to suffer for guerilla crimes. The order to take no guerilla prisoners, which came in October, 1864,[100] might have seemed brutal, but it was no worse than what the guerillas often did themselves. Toward the end of the war they were continuing to harass the state so mercilessly that the legislature sent a committee to Lincoln to ask him

[96] Collins, *Kentucky,* I, 136. July 16, 1864. The Confederates threatened a six-fold retaliation on Federal prisoners for Confederates shot for guerilla crimes. *Ibid.,* 143. Morgan threatened two dollars for one if his friends were made to pay for the damages done by his troops. *Ibid.,* 109.

[97] *Ibid.,* I, 144, 146, 148. See also Smith, *History of Kentucky,* 671, 672.

[98] Collins, *Kentucky,* I, 207.

[99] Conversations by the writer with Frankfort citizens, July, 1920.

[100] Collins, *Kentucky,* I, 144. Oct. 26.

to help defend the state against its internal foes.[101] All efforts failed, and the guerillas were left as an important problem to be dealt with in the war after the war.

The military authorities in their frantic attempts to suppress these lawless men not only made the lot of the Southern sympathizers hard in the ways already indicated, but they also persecuted and harried in a hundred other ways all people suspected of being guerillas. Out of the guerilla evils came new incentives to continue the campaign of arrests. General Sherman, now commanding the armies far to the southward, was still much interested in what was going on in Kentucky. He gave specific permission and urged Burbridge to "arrest all males and females who have encouraged guerillas and robbers, and you may cause them to be collected in Louisville; and when you have enough—say 300 or 400—I will cause them to be sent down the Mississippi, through their guerilla gauntlet, and by a sailing ship send them to a land where they may take their negroes and make a colony, with laws and a future of their own."[102]

Burbridge needed no promptings on the subject of arrests; his orders were already being severely felt over the state. Any person suspected of being a Southern sympathizer found within five miles of a guerilla raid was declared in June, 1864, to be liable to arrest and banishment beyond the limits of the United States.[103] This and other orders made life a terror and a nightmare to almost everyone, for who could know when the accusing finger might point to him as a Southern sympathizer? Robert J. Breckinridge, who was popularly believed to have more influence with the military commanders than any other person in the state, was being constantly appealed to for aid from terror-stricken people. This telegram came to him: "Am ordered to leave the state am old destitute & innocent of any crime As an old friend will you come over to aid me?"[104] This was another appeal: "If you have any influence with General Burbridge will you not use it to prevent aunt Rebecca Redd from being driven a second time from her home and friends? She comes under one of the brute's last orders and we are all very unhappy about it."[105]

[101] *Acts of Kentucky*, 1865, p. 147. Jan. 14, 1865.
[102] Collins, *Kentucky*, I, 135.
[103] *Ibid.*, 136. July 16.
[104] *Breckinridge MSS.*, 1864. From Thomas B. McGowan.
[105] *Ibid.* From M. B. Frazer, July 30.

This stern preacher-publicist believed in even-handed justice, as he conceived it, and few petitions moved him to action. Even his own kin who had chosen the Confederate side fared no better than others when they received the order of banishment.[106] He declared that too few were being arrested and that those taken were being set free too soon. ". . . Treat them all alike," he said, "and if there are any among them who are not rebels at heart, God will take care of them and save them at least."[107] But others seem to have been more easily moved than Breckinridge, for Sherman wrote Leslie Combs in a highly critical vein: "It does appear that in Kentucky you are such a bundle of inexplicable family and State factions, that the veriest murderer, and horse-thief, and dirty dog, if arrested can forthwith present credentials of respectability that I could not establish or you either. . . . I do know that families of hitherto great respectability in Lexington and Frankfort, blind to the interests of the industrious classes of your State, have and do continue to encourage the public enemy in every way in their power." As an effective remedy, he suggested the hope that "General Burbridge will send to the Dry Tortugas, or Brazil, every one of those men, women, and children, and encourage a new breed."[108]

Arrests and banishments were supplemented by many other rigors. One harboring a Confederate soldier was severely dealt with. A general court martial found one S. D. Talbot guilty of this offense and fined him $1,000 and imprisoned him three months.[109] Anyone aiding the Confederates was subject to trial as a spy or traitor "and if convicted will suffer death." Burnside went even further in this order: "The habit of declaring sympathies for the enemy will no longer be tolerated in this Department. Persons committing such offenses will at once be arrested with a view of being tried as above stated, or sent beyond our lines into the lines of their friends."[110] General Speed S. Fry ordered all men of Southern sympathies to leave Danville and not return until they had reformed. They had *"forfeited all claim to the protection* either of the general or state government, and will not receive it;

[106] The wife of his son, W. C. P. Breckinridge, although in ill health, was ordered by the military authorities to leave the state. *Breckinridge MSS.*, 1863. A son-in-law who was sentenced to death was saved.

[107] Collins, *Kentucky*, I, 142. Speech at Lexington.

[108] *Official Records*, ser. I, vol. 39, part 2, p. 241. Aug. 11, 1864.

[109] Collins, *Kentucky*, I, 123.

[110] *Tri-Weekly Commonwealth*, April 15, 1863; Collins, *Kentucky*, I, 122. April 13, 1863. See also Boyle's order of June 1, 1862. *Ibid.*, 102.

they *must go* and *go at once.*"[111] Southern sympathizers in the vicinity of a railway accident were held responsible for it and subject to severe penalties.[112] Early in the war, all people believed to have Southern sympathies were ordered to give up their fire-arms;[113] and any person selling them arms was held as giving aid and comfort to the enemy.[114] Following Bragg's invasion in the fall of 1862, and the various raids by Morgan, full effect was given to these various orders.[115]

Fired by the guerilla outrages, the state, itself, in 1864, pressed hard the Southern sympathizers with a flourish of rigorous laws, never to be fully executed, however. To excite by speech or writing rebellion against the state or nation was made punishable by a fine running from $100 to $5,000 or imprisonment from six to twelve months or both, but it was forthwith nullified by the saving clause that the right still remained to criticize Kentucky and the United States or to expose and correct "the maladministration of either of said governments, or the misconduct of any officer, civil or military, of either of them."[116] Any attorney-at-law convicted should be debarred from further practice; and all teachers and preachers were required to take the oath of loyalty.[117] Agents recruiting for the Confederacy were punishable by heavy fines and imprisonment.[118]

The military authorities carried their campaign against Southern sympathizers so far that they ordered a search of the homes of those suspected and the seizure of anything that had a Confederate complexion. In Newport, they discovered a batch of "rebel music" and they immediately selected for destruction "John Morgan's Scottische," "Jeff Davis March," "Beauregard's March," "Southern Marseillaise," and "Maryland, My Maryland."[119] "Rebel books" were just as objectionable as "rebel music"; hence,

[111] Collins, *Kentucky,* I, 122. March 31, 1863.
[112] *Ibid.,* 109. Aug. 21, 1862.
[113] *Ibid.,* 105. July 21, 1862.
[114] *Official Records,* ser. II, vol. 5, p. 570. May 8, 1863.
[115] See Collins, *Kentucky,* I, 104, 115, 122, 124.
[116] *Acts of Kentucky,* 1863, pp. 116, 117. Feb. 22, 1864.
[117] *Ibid.,* 38, 39. Jan. 30, 1864.
[118] *Ibid.,* 126. Feb. 22, 1864. Recruiting was done for the Confederacy almost to the end of the war. Two Confederate captains were captured in 1862 and executed by Burbridge for recruiting. The Confederate recruiting agents were called in in February, 1865. Collins, *Kentucky,* 1, 122, 155.
[119] *Ibid.,* 105.

Burbridge placed the interdict on the "Life, Services and Campaigns of Stonewall Jackson."[120]

Early protests arose against these military rigors. A newspaper editor declared, "It is needless for us to recount the persecutions under which our people have been suffering—compelled and horrid oaths . . . seizures of horses, negroes and other property,—immense sums of money extorted by unprincipled and petty military officers—all contrary to law and in punishment for the unpardonable crime of holding Southern sentiments!"[121] Bramlette charged in 1865 that many arrests had been made, and later freedom granted for sums of money but how "the spoils are divided, has not transpired to the public information."[122] The line of demarcation between Southern sympathizer and Unionist was so obscure in the eyes of Federal authorities, who more than once declared a majority of Kentuckians were disloyal, that almost the whole state came to oppose the military program against the so-called Southern sympathizer. Only the whim of an officer stood between any citizen and banishment, and, perhaps, death.

The unpopularity of the military authorities seemed to grow with almost every act. Newspapers early came in for control and suppression. The *Louisville Courier,* passionately pro-Southern, was suppressed at the very outset of the conflict—the news of which gave its strong Union contemporary, the *Louisville Journal* "sincere and deep pain."[123] The *Cincinnati Inquirer* was excluded for a time in 1863 by General Wilcox;[124] and the following year Burbridge ordered it and "all other papers of like character" to keep clear of Kentucky.[125] Burbridge also put the ban on the *New York World* and the *Chicago Times,*[126] and Hugh Ewing forbade the circulation in the state of five New York papers, two from Ohio, and one from Chicago, and threatened to arrest any newsboys who attempted to sell them.[127] Also various religious papers were suppressed.[128]

Martial law came to the state more than once and always aroused a storm of protest. In March, 1863, it was declared in

[120] *Official Records,* ser. II, vol. 7, p. 366; Collins, *Kentucky,* I, 133.
[121] *Semi-Weekly Kentucky Statesman,* Sept. 6, 1862, quoted in *Cincinnati Commercial,* Sept. 16, 1862.
[122] Collins, *Kentucky,* I, 151. Message to legislature, Jan. 6.
[123] Sept. 20, 1861.
[124] Collins, *Kentucky,* I, 122. April 17.
[125] *Ibid.,* 135. June 18. See also McPherson, *History of the Rebellion,* 192.
[126] Collins, *Kentucky,* I, 123.
[127] *Ibid.,* 146.
[128] *Ibid.,* 149. See also Stanton, *The Church and the Rebellion,* 219-231.

six Blue Grass counties for ten days,[129] and in the following July it was applied to the whole state.[130] In June, 1864, Halleck gave Burbridge full power to declare any part or all of the state under martial law as he heard that the "aiders and abettors of treason are distinguished officers of the State government and members of the Congress of the United States."[131] On July 5, 1864, Lincoln put the whole state under martial law and it was not removed again until six months after Lee had surrendered.[132]

Kentuckians were a martial people but they were never designed to be ruled over by an occupying army, friend or foe. "Bayonets, dungeons, and court martials, we fear will not do,"—and truly they did not.[133] The régime of the Federal army virtually destroyed the effective coöperation of the state with the Federal government. Governor Bramlette, near the end of the war, declared that it was "an unpleasant duty to say, that wanton oppression of citizens, fraud, corruption, and imbecility, have too frequently characterized the military career of some officers in Kentucky. . . ."[134] A military system was doubtless necessary in the state during the war, but it left a bitter heritage which the state was long in getting over.

[129] *Official Records,* ser. I, vol. 52, part 1, pp. 344, 349. March 25.

[130] *Ibid.,* vol. 23, part 2, p. 572; *Cincinnati Commercial,* July 31, 1863; Collins, *Kentucky,* I, 127. July 31.

[131] *Official Records,* ser. I, vol. 39, part 2, p. 145. June 25.

[132] Richardson, *Messages and Papers of the Presidents,* VI, 220; *Official Records,* ser. III, vol. 5, p. 125; McPherson, *History of the Rebellion,* 179.

[133] *Daily Commonwealth,* June 8, 1863. Editorial.

[134] *Lexington Observer and Reporter,* Jan. 28, 1865. Message to the legislature, Jan. 6.

CHAPTER XII

SOCIAL AND ECONOMIC CONDITIONS DURING THE WAR

War speaks disorganization and destruction economically and socially; it also speaks artificial prosperity and new relationships. The war in Kentucky was no exception to the rules.

The most delicate barometer, first detecting and measuring conditions, is commerce with its financial background. The approach of war was heralded in Kentucky, as previously noted, by brisk commercial activity, incident to stocking up the South for the approaching conflict. The Federal government adopted various expedients to block this trade, but not until the disorganizing influences of invading armies appeared, was the commerce of the state thrown out of balance and piled up in confusion.

The first six months of the war, before the Confederates had been cleared from the state, saw marked depression and despondency. Governor Magoffin, early in 1862, declared that trade was "stopped in a great measure, and even what produce finds its way to market is sold at ruinous sacrifices."[1] The rich Blue Grass section had exceptionally good crops, but prices were just about one half of what they had been during the preceding year.[2] Louisville, the commercial center of the state, entered a period of discouragement and gloom. A characteristic news item said, "Our wharf in a business point of view, presents a very disconsolate appearance."[3] The river traffic, the life line of the city, was at a standstill, as the boats had been pressed into military service.[4] The trade of the small towns and country stores greatly slackened or ceased altogether. In the regions to the south and west of Louisville came the report, in December (1861), that there were "no groceries, no goods nor money." The people had supplies of pork and wheat, but the medium of exchange had disappeared. There were many citizens who could not cultivate their fields for

[1] *Annual Cyclopædia,* 1862, p. 540. Message to the legislature. See also *Cincinnati Commercial,* Jan. 3, 1862.

[2] *Ibid.,* Sept. 23, 1861.

[3] *Ibid.,* Oct. 31.

[4] For instance, *Cincinnati Commercial,* Oct. 16, 1861.

the coming year, for they had lost all their horses.[5] At Owensboro many of the leading merchants were "doing no business at all—some because they are known to be traitors, and therefore, can get no goods, and others, because they are afraid to lay in a stock. . . ."[6] In Paducah a large number of the business houses were closed, and the Union army found itself reigning over a desolate town.[7]

The governor summed up this first introduction to the war, thus, "In regions over which the contending armies have passed large amounts of property have been taken or destroyed, the country has been made desolate and large numbers of the people who were contented, comfortable, and independent, are suffering for the necessities of life; their fences have been destroyed, their stock and provisions taken, so that many cannot make a crop this year; add to this, that many persons have been frightened or dragged from their homes and suffering families. The laws are silent, or cannot be executed. Universal gloom and distress pervade these regions. Families are divided and broken up, and each has its wrongs or woes to relate. Starvation stares many in the face." Throughout the state, prices of farm products were scarcely one-third what they had been before the war. He thought relief legislation of some sort should be enacted.[8]

Though the ordinary legitimate commerce of the state almost ceased to exist, there soon took its place a secret and clandestine trade with the Confederates that remained a constant problem for the Federal authorities to the last day of the war.[9] The Confederacy, profiting so much from these transactions, gave it their full encouragement up to the point where it might result in a corresponding advantage to the Federal government and there they placed restraints. The parts of the state under Confederate control were accorded full commercial freedom with the South.[10]

Gunpowder and other munitions of war under one guise or another entered the state, got into the hands of Southern sympa-

[5] *Cincinnati Commercial,* Dec. 14, 1861.

[6] *Ibid.,* Oct. 29.

[7] *Ibid.,* Dec. 2.

[8] *Annual Cyclopædia,* 1862, pp. 540, 541; *Rebellion Record,* IV, 133, 134 (doc.)

[9] See E. M. Coulter, "Commercial Intercourse with the Confederacy in the Mississippi Valley, 1861-1865" in *Mississippi Valley Historical Review,* V. no. 4 (March, 1919), pp. 378-395.

[10] *Official Records,* ser. I, vol. 4, p. 532. See also *ibid.,* 414, 415, 450, 451, 504, 505.

thizers, and speedily reached the Confederates.[11] Louisville continued long to be the source of an illicit trade with the Confederates, maintaining its record of the neutrality period.[12] The outstanding region for such operations was the western part of the state. As long as the Confederates occupied this territory the trade was open and unimpeded,[13] while the counties close by took occasion to smuggle their products into the Confederate lines. Union and Crittenden counties drove in their livestock and "quite a trade" was "being carried on in salt, powder, caps, and domestics."[14] Grant, in noting the character of a cargo bound for Hickman, said, "Eighty barrels of this freight were whisky; a character of commerce I would have no objection to being carried on with the South, but there is a probability that some barrels marked whisky might contain something more objectionable."[15]

The expulsion of the Confederates in the spring of 1862 did not stop this trade. Some goods from this region bound for the Confederacy found the round about route through southern Illinois and eastern Missouri; while much more was taken directly southward.[16] In the latter part of 1862, it was reported to Rosencrans that "Large quantities of salt, flour, coffee, sugar, leather, etc., are taken from Franklin south, via Tyree Springs, by persons having no military permit to ship or take goods south."[17] So cunning were shippers that trains operated by Federals, at times actually carried consignments to the Confederates.[18] So cordial were the relations commercial and otherwise between the Confederates and these Kentuckians, that Confederate cavalry forces made frequent visits for the purpose of replenishing their commissary. Forrest was a favorite caller. In the spring of 1864, it was reported to the Federal military authorities that for the past few months, "the interior of Western Kentucky has been filled with warlike stores and army supplies of every kind," and the "loose administration of Treasury regulations, the complicity of both Treasury and Army officers" were blamed for "this infamous traffic."[19] Thus, there was a certain amount of prosperity, based

[11] For instance, see *Cincinnati Commercial,* May 3, 1862.
[12] For example, see *ibid.,* Nov. 9, 1861.
[13] *Ibid.,* Dec. 5.
[14] *Official Records,* ser. I, vol. 7, p. 472. Grant to J. C. Kelton, Dec. 3, 1861.
[15] *Ibid.,* vol. 8, p. 404. To J. C. Kelton, Dec. 4, 1861.
[16] *Ibid.,* vol. 7, pp. 510, 511.
[17] *Ibid.,* vol. 20, part 2, p. 172. Dec. 13.
[18] *Ibid.,* vol. 32, part 1, p. 512.
[19] *Ibid.,* part 3, p. 233. April 2.

though it was on prohibited trade, and despite the almost savage application of the restrictions as seen under Paine's regime.

Apart from illicit trade, the people of the state soon began to develop a commerce, when the first shock of invasion and occupation had been dissipated. Constantly harassed by Federal military restrictions, it was never fully developed, and now and then almost suffered extinction, as under the régime of Burbridge. The first signs of returning commercial activity were seen in the filling of large army contracts which were let by the Federal armies as they spread out over the state.

Horses and mules were constantly in great demand; and to satisfy it, the Federal government scattered over the state its purchasing agents who often let large contracts as well as made individual purchases. In November, 1862, a contract for 2,000 mules was let to a citizen of Lancaster, at $93 each, 1,500 to be unbroken and to be delivered within ten days.[20] Kentucky beef and pork fed many a western soldier, and to help accomplish this, one contractor in Louisville furnished Grant with 200 cattle daily.[21] The voracious appetites of the armies led the *Louisville Journal* to feel that if they were satisfied the "genius of starvation that has been stalking grimly among rebel armies and rebel citizens, may haunt our own homes." "Hundreds of drovers," it declared, "are daily driving off our horses and cattle and hogs and almost interminable trains of wagons are hauling away our bacon and pork and all kinds of breadstuff. . . ."[22] Senator Garret Davis declared that by 1863, more than one half of the state had "been subjected to military occupancy, first by one army and then by the other," and that "the entire agricultural substance of one half the country" had been consumed "by this alternate march of hostile and friendly armies" and that the people were "left in a state of great destitution."[23]

Louisville was the first point to profit by these large army contracts, and she continued to receive the lion's share throughout the war, as she became and remained military headquarters for the state. By the end of 1861, her merchants were being awarded large contracts,[24] and the prosperity naturally passed on down to

[20] *Cincinnati Commercial,* Nov. 1, 1862. See also *ibid.,* Feb. 10.

[21] *Ibid.,* Nov. 5, 1862.

[22] Oct. 4, 1862.

[23] *Congressional Globe, 37* cong., 3 sess. (1862-3), part 1, p. 186. Jan. 5. See also *Illinois Journal,* Feb. 4, 1863.

[24] *Cincinnati Commercial,* Dec. 31, 1861; June 14, 1862.

the teamsters and other laborers. "The immense distribution of army stores," it was reported, "gives employment to a very large number of men, and contributes much toward the relief of the poorer classes of our people. Many of our business men are also coining money by supplying the many necessities of the large army now within the State."[25] As the war dragged on, the state became more and more the chief dependence of the Federal forces for their sustenance; but much of the satisfaction that should have come to the people from this trade was lost in the forced seizures made and worthless vouchers given.[26]

The rivers immediately became important highways for this army traffic, running as they did into almost all parts of the state,[27] and just as quickly did they become the targets of the Confederate armies and raiding parties. Rivers with slack-water navigation were rendered useless by the destruction of the locks, and the boats on others were liable to be fired upon at any time from ambush. The Tennessee and Cumberland rivers became almost worthless as highways in the early part of the war. To protect themselves against the Confederate fire, some of the merchantmen were clad in iron plates and Federal gunboats were ordered to patrol the rivers.[28] When the Confederates were driven from the state, the guerillas became a menace to river traffic as they sought their individual plunder;[29] and Confederate raiding parties were not infrequently returning. John Morgan as well as Forrest took especial delight in hitting the state like a thunderbolt and leaving consternation and destruction in his trail.[30] The former, in the summer of 1863, so completely disorganized the traffic on the Ohio, that General Burnside forbade steamers to ply between Cincinnati and Louisville without permission and ample protection.[31] The disorganization produced by the war was still being strongly felt on the rivers by the beginning of 1863.[32]

The restoration of trade apart from the army traffic was slow. Louisville by the end of 1861 began to show a few flickering signs of her former commerce, as she was able to secure boats now and

[25] *Cincinnati Commercial,* Dec. 23, 1861. See also, *ibid.,* Oct. 2, Nov. 9.

[26] See Collins, *Kentucky,* I, 347.

[27] "Special Report of the Board of Internal Improvements to the General Assembly of Kentucky," in *Kentucky Documents,* 1864, no. 17, pp. 1-7.

[28] *Cincinnati Commercial,* Nov. 25, 1861; May 14, 1862.

[29] *Official Records,* ser. I, vol. 31, part 1, p. 798.

[30] *Ibid.,* vol. 26, part 1, p. 862.

[31] *Cincinnati Commercial,* July 11, 1863.

[32] "Report of the Secretary of the Treasury on Finances, 1863," *op. cit.*

then.[33] In November, the "Argonaut" "took a large consignment of flour . . . for Pittsburg, which will be sold there for account of the Louisville merchants."[34] The fall of Fort Donaldson sent a thrill of hope into the despondent commercial classes. Permits and trade restrictions they felt should now go; trade should be restored, "unchecked by restrictions which belong alone to the dark sway that has vanished."[35] These broad expectations were never realized; but a distinct trade revival did set in as the Confederates were pushed out of the state and on far to the southward. Louisville was now expectantly reaching out in every direction. With peans of self-praise, she sought to wean the western Kentuckians from their Confederate flesh-pots. She wanted their tobacco and all other products, and they were invited to "come to the safer and more congenial market offered by our city, the reputation of whose merchants is without a blemish, and whose capacities for supply are without a successful rivalry in the great basin of the West."[36] Although western Kentucky never deserted the Confederates, it sent Louisville enough trade to give her cause to say three months later that her wharf "was completely blockaded with the tobacco, cotton, and corn brought up from below by the Henderson and Cumberland river boats."[37]

Much of the Cumberland River as well as Tennessee River trade, originated in Tennessee and to the southward. Louisville became the funnel through which this trade, opened up by the Federal armies, came northward, and these two rivers were its great highways. The people around Fort Henry were clamoring to ship out their tobacco and other products,[38] and the river news soon reflected the success of their appeals, and of others also. The "W. W. Crawford" arrived from Nashville with a cargo of tobacco and cotton, forty-seven bales of which were for Louisville;[39] the "Ida May" from Louisville arrived at Nashville with government stores and a barge of hay;[40] the "Commodore Perry" came up from the Cumberland with a heavy cargo of tobacco;[41] and so it went. Times, indeed, were getting better.

[33] *Louisville Journal,* Oct.-Dec., 1861, *passim; Cincinnati Commercial,* Oct. 23, *passim,* 1861.
[34] *Ibid.,* Nov. 21.
[35] *Louisville Journal,* Feb. 22, 1862. Editorial.
[36] *Ibid.,* Feb. 17, 1862. Editorial.
[37] *Louisville Democrat,* May 3, 1863.
[38] *Official Records,* ser. I, vol. 10, part 2, p. 74. March 28, 1862.
[39] *Louisville Journal,* April 21, 1862.
[40] *Ibid.,* April 3.
[41] *Ibid.,* April 21.

The Cumberland, rising in the eastern part of the state and making its great bend southward through Tennessee by Nashville and thence northward through Kentucky again into the Ohio, served as an outlet for the citizens of Pulaski, Wayne, Cumberland and other eastern counties. Some of their trade stopped in Nashville, and before the Confederates were driven out this city had been their chief market.[42] The Federals on occupying Nashville speedily let the citizens on the upper Cumberland know that they could ship "coal and produce to Nashville, and find a market there."[43] In the early summer (1862) it was estimated that there were about 3,000 hogsheads of tobacco on the upper Cumberland yet to be shipped out.[44]

With the fall of Vicksburg and Port Hudson the last barriers on the Mississippi were swept aside and truly the "Father of Waters" flowed unvexed to the sea. This was the dawn of a resplendent day for the commerce of the West. On July 22, 1863, the *Louisville Democrat* said, "With a glow of satisfaction we inform the public that a boat is loading for New Orleans." The river was not yet absolutely free, for various restrictions were still being imposed on the movement of vessels and on the character of their cargoes.[45] On the day before Christmas (1863) the first cargo of molasses and sugar, since the beginning of the war, arrived in Louisville from New Orleans.[46]

The river trade was never completely freed from restrictions until the war ended, and by that time a new era had begun which shifted commerce to the railroads and made of the glory of the river a tale that was told. Yet by the beginning of 1865, river news showed that trade was active. A boat from the Kentucky River carried to Cincinnati 2,866 sacks of wheat, 272 bags of barley, 100 sacks of hemp seed, 138 barrels of flour, and 60 packages of merchandise;[47] the "Silver Moon" took 50 bales of cotton, 75 mules, and 70 tons of hides, tallow, and other products from Paducah to Cincinnati;[48] many boats took tobacco, grain, and hogs into Louisville.

Agriculture, the fundamental basis on which trade and commerce must ultimately rest, suffered as all immovables must suffer

[42] For example, see *Cincinnati Commercial,* Jan. 16, 1862.
[43] *Ibid.,* March 8.
[44] *Nashville Dispatch,* June 21, 1862.
[45] For example, see *Cincinnati Commercial,* July 25, 1863.
[46] Collins, *Kentucky,* I, 129.
[47] *Cincinnati Gazette,* Jan. 10, 1865.
[48] *Ibid.,* Jan. 4.

in time of war when invasions come. Growing fields were trampled down by marching armies, and the general disorganizations and uncertainties of war were not conducive to planting more than was needed for home consumption. The amount of land under cultivation decreased over 4,000,000 acres.[49] Fairs and agricultural exhibits generally were abandoned, as railroads and other means of transportation fell largely into the hands of the Federal government.[50] The State Agricultural Society continued to exist and attempted to keep alive the interest of the people in better farming.[51] Tobacco was the most valuable crop, though there were more acres in corn,[52] and Louisville continued to be the chief market. Tobacco fairs were held here at which premiums were awarded and large sales made.[53] In 1864 the price varied from $1.50 to $2.00 the pound.[54] Under the stress of war some cotton was raised, which sold on the Louisville market in 1863 at 69 to 80 cents the pound.[55] The whisky business thrived when it was not deprived of grain by army orders. Four counties during three months of 1863 made over 213,000 gallons.[56] Wine was made in Bracken County during the same year to the amount of 31,000 gallons.[57] The value of land decreased more than $50,000,000 during the first year of the war and then began to rise slowly, regaining $20,000,000 by the end of the war.[58] In 1865 good farm land near Lexington and in other parts of the Blue Grass region sold for amounts varying from $100 to $135 the acre.[59] Pork packing was stimulated by war demands and war prices and was carried on with marked activity. The famous "Hog Swindle" temporarily upset the business but recovery soon came. Louisville was the chief packing center, and during the killing season over a thousand hogs a day were slaughtered.[60] At

[49] *Annual Cyclopædia,* 1865, p. 459.

[50] See *Cincinnati Commercial,* Aug. 23, 1862. The Confederates held the races in Lexington in September, 1863, in their short occupation of the city. *Ibid.,* Sept. 16.

[51] *Tri-Weekly Commonwealth,* Dec. 8, 1863. Governor's message to the legislature.

[52] *Cincinnati Gazette,* Jan. 4, 1865.

[53] *Cincinnati Commercial,* Nov. 1, 1862; Collins, *Kentucky,* I, 123, 145.

[54] Collins, *Kentucky,* I, 134.

[55] *History of the Ohio Falls Cities and their Counties,* I, 327; Collins, *Kentucky,* I, 129.

[56] *Ibid.,* 123.

[57] *Ibid.,* 131.

[58] *Annual Cyclopædia,* 1865, p. 459.

[59] Collins, *Kentucky,* I, 129, 156.

[60] *Cincinnati Commercial,* Dec. 5, 8, 24, 1861.

times large government contracts consumed virtually the whole supply.[61]

One of the greatest blows to agriculture as well as to the general economic development of the state was the demoralization of labor. As slavery was the chief dependence of the state, the inevitable disorganization and unrest produced by the war became almost fatal; and even of the white laborers the ever present recruiting agent left few. Six months after the war had started, slaves were becoming boisterous and unruly and a menace to the peace of the community. In New Castle they marched through the streets at night singing songs and hurrahing for Lincoln. In other parts of Henry County houses and barns were fired, and some of the slaves stole wagons and provisions and escaped across the Ohio into Indiana.[62] The rumor started and gained much headway that the slaves would rise up in insurrection during the Christmas holidays (1863), and that the Northern troops in the state would aid them.[63]

The enlistments of slaves made confusion even more confounded; and it was the fear of just this thing that had had much to do with the extreme opposition of the people to this measure. The report was skillfully spread that all slaves enlisting would receive a bounty of $400, freedom for themselves and families, and a thirty day furlough in which to move away. The negroes deserted the fields in the midst of growing crops in many parts of the state, and in western Kentucky where they were under better control, steamboats threaded the rivers and with squads of troops raided the plantations and forcibly took "hundreds of negroes from the fields."[64] In Madison County negro regiments were used to scour the fields and force the slaves into the army.[65] Ten thousand slaves left the state during the year 1863.[66] Under these conditions the price of slaves necessarily dropped. By the middle of 1862, slaves were selling for $200 to $400, which would have brought from $500 to $1,200 two years previously;[67] and soon thereafter the cost of hiring a field hand for a year was almost

[61] For example, see Collins, *Kentucky,* I, 145.

[62] *Frankfort Yeoman,* Jan. 17, 1862; *Rebellion Record,* IV, 66 (rumors and incidents).

[63] *Holt MSS.,* XLI, 5411. Jas. Speed to Holt, Nov. 27, 1863.

[64] *Lexington Observer and Reporter,* July 16, 1864. Bramlette to Wolford, June 25, 1864. See also *Annual Cyclopædia,* 1864, p. 454.

[65] *Cincinnati Gazette,* June 3, 1865.

[66] *Annual Cyclopædia,* 1865, p. 459.

[67] Smith, *History of Kentucky,* 639, 640; Collins, *Kentucky,* I, 102.

equal to the price of the slave.[68] The total number of slaves dropped from 213,000 in 1861 to 153,000 by October, 1865, and their value from $88,000,000 to $7,000,000.[69] Bramlette in 1865 bemoaned the evil days that had overtaken the state: "Our fields had been devastated by the sweep of armies, and homes desolated by rebel raids and guerilla depredations, to such an extent that a large portion of our productive labor has been driven from the State and the arm of industry greatly paralyzed by the destruction which menaced its labor, and the want of security in the employment of its fruits."[70]

There was a pronounced economic loss to the state due to enlistments, deaths, and incapacitation. By the middle of 1863, there were over 41,000 enlistments in the Federal service;[71] and by the end of the war the number had almost reached 64,000. As most of these were for three years, the actual number of soldiers was somewhat fewer. The number of negroes mustered into military service was slightly over 20,000, while 5,000 were enlisted preparatory to being mustered in.[72] The total enlistments, blacks and whites, was almost 90,000. Not included in these were about 13,000 state troops existing at various times, which added to those troops in the Federal service, makes a grand total of over 100,000. The number of Kentuckians who enlisted in the Confederate armies has never been accurately determined, but various estimates have been made, which seems to indicate that the number must have been between 30,000 and 40,000. The state was almost swept clean of fighters by the two contending forces. It was estimated by Nathaniel Shaler that at least one half of the soldiers were killed, died of disease, or were incapacitated for further usefulness.[73] According to the state censuses there were almost 21,000 fewer white men over 21 years of age in the state in October, 1865, than in 1861.[74]

[68] Collins, *Kentucky,* I, 118.

[69] *Annual Cyclopædia,* 1865, p. 459.

[70] *Lexington Observer and Reporter,* Jan. 28, 1865. Message to legislature.

[71] *Cincinnati Commercial,* Aug., 5, 1863; Collins, *Kentucky,* I, 127.

[72] *Annual Cyclopædia,* 1865, p. 459. For various other totals based on differing computations, see Battle, Perrin, and Kniffin, *Kentucky,* 385; Speed, *Union Cause in Kentucky,* 306-308; *Official Records,* ser. III, vol. 5, p. 886. See also Collins, *Kentucky,* I, 152.

[73] *The South in the Building of the Nation,* I, 295; Speed, *Union Cause in Kentucky,* 298-301; Shaler, *Kentucky,* 357, 358.

[74] *Annual Cyclopædia,* 1865, p. 459. This number represented deaths or permanent removals, as the Confederate element had returned before this time.

The seizures and destructions by both armies as well as by the guerillas were in their aggregate appalling. The legitimate destructions carried out by the armies in their marchings and counter-marchings were greatly augmented by the lawless devastations visited on the state by the guerillas. Railroads and river locks were the first objects of attack in crippling the enemy. At the very outset of the war Buckner occupied the Louisville and Nashville line as far northward as Lebanon Junction, and seized eleven locomotives and 170 cars together with much other equipment. As he was forced southward he burned bridges, demolished culverts, and carried out other destructions—altogether estimated by the railway company at over a quarter of a million dollars.[75] South of Bowling Green he tore up the track for five miles.[76] By the end of March, 1862, the road was sufficiently repaired for trains to make the trip from Louisville to Nashville in twelve hours.[77] The railroads were so vulnerable that now and then bold raids were made on them by individual Confederates. One McDonald got control of a locomotive in Bowling Green on the pretext of driving it into the station, and set out for Memphis. Rescuers who followed on a hand-car, found it eighteen miles away with the flues burned out, and McDonald gone. The damages were estimated at $3,000.[78] In the campaign against river locks the Kentucky and Green rivers suffered most.[79]

The most spectacular destructions, legitimate though most of them were, came at the hands of John Morgan and his cavalry, who made no fewer than five major raids into the state. Bent on cutting the Federal lines of communication, he never failed to give ample attention to the railroads, and the Louisville and Nashville being the great lifeline to the southward, was always chief sufferer. On May 11, 1862, he seized and destroyed a train of fifty cars at Cave City; two months later he was busily tearing up the track in Nelson County, when he was set upon by Federals and driven off; in October his cavalry tore up long stretches of the track and burned bridges south and west of Bowling Green; and so the story went.[80] Morgan's men seized $80,000 in the Mount Sterling bank, an act which their chief condemned and which

[75] *Annual Report of the Louisville and Nashville Railroad, 1860-1861,* pp. 75-79.

[76] *Cincinnati Commercial,* Jan. 4, 1862.

[77] *Ibid.,* March 27.

[78] *Ibid.,* Nov. 6.

[79] For example, see *ibid.,* Sept. 13.

[80] Collins, *Kentucky,* I, 102, 103, 116; Shaler, *Kentucky,* 326.

another Confederate declared to be a costly blunder as it lost the South the "greatest political opportunity" that had yet been offered it in Kentucky.[81] Morgan and other swift-moving cavalrymen raided the state for food and horses, sometimes paying in Confederate notes, often leaving promises to pay, and sometimes doing neither.[82]

The blighting and pestilential presence of the Federals has already been noted. In general their purpose would naturally be to make no destructions of property, except in dealing with Southern sympathizers and in impeding the progress of the enemy. Some of their outstanding faults were making petty seizures, giving worthless vouchers for property taken, and hampering the trade and industry of the state by endless rules. Each succeeding governor inveighed against the plunderings of the Federal troops.[83] Now and then Federal generals were found to call attention to it as did William Nelson when in the course of a condemnation of certain Kentucky troops he said, "Robbing, plundering, marauding are punishable, by the articles of war with death; and it is plain why such a punishment is awarded them."[84]

One of the most striking examples of the great economic loss suffered by the state is seen in the decrease in livestock. By 1863, the inroads made by the armies were very evident. The uniform decrease was greater here than in any other state.[85] In October, 1865, there were only 299,000 horses and mares, whereas in 1861 the number had been 388,000. The number of mules dropped from 95,000 to 58,000; the cattle from 692,000 to 520,000.[86] To add to the general destruction, the dogs killed on an average of 10,000 sheep annually.[87]

Property valuations showed various fluctuations. The value of land fell from $225,000,000 in 1861 to $174,000,000 in 1862, when a small but steady rise began running to $185,000,000 in 1863, $196,000,000 in 1864, and $198,000,000 in 1865—still being at the end of the war $27,000,000 less than at the beginning. The value of town lots dropped $10,000,000 during the first year of the war, and then steadily increased to $10,000,000 more than it

[81] *Official Records,* ser. I, vol. 39, part 1, pp. 74, 79.

[82] For example, see Collins, *Kentucky,* I, 347.

[83] For example, see *Cincinnati Gazette,* Jan. 9, 1863. Message of Robinson to legislature.

[84] Collins, *Kentucky,* I, 110. To Governor Robinson, Aug. 26, 1862.

[85] *Cincinnati Gazette,* Jan. 4, 1865.

[86] *Annual Cyclopædia,* 1865, p. 459.

[87] For example, see Collins, *Kentucky,* I, 131.

had been at the beginning.[88] The value of slaves, of course, approached nothing as a limit, as the Thirteenth Amendment drew nearer. Of course, these various comparisons can not be absolute as the inflation of the money in which they were measured grew greater throughout the war, and the basis for valuation, thus, was not constant; but the outstanding result would indicate considerably less value than statistics show.

The depreciation of money made it necessary to increase taxes as well as the salaries of state officials. The tax rate grew about 70 per cent and salaries from 25 to 30 per cent.[89]

The banks showed great strength and stability throughout the war, again attesting the lasting lesson the state had learned in finances during the wildcat days of the 'twenties and 'thirties. The Kentucky banks continued specie payment even after the Federal Treasury Department had advised a suspension and after the New York, Philadelphia, and Boston banks had closed their vaults.[90] Kentucky bank notes were running at par a year after the war had started; in 1863 they were quoted at 5 to 14 per cent. premium; and throughout the war they were bankable in the leading financial centers.[91] The bank stock market was strong throughout the war; in 1864 stocks of the Northern Bank of Kentucky sold in Lexington at 151.[92] Dividends stood consistently around 4 per cent.[93] It was a tribute to the strength of the banks that the state called on them in 1862 to lend to individuals or firms sums not exceeding $1,000 each to be repaid on a fixed scale of installments. They were required to lend at least $100,000 in each Congressional district, in order to enjoy certain compensating benefits promised by the law.[94]

The financial position of the state government was especially sound throughout the war. The trials of wartime brought out the best qualities of financial statesmanship, which actually placed the treasury in a better position at the end of the struggle than it

[88] *Annual Cyclopædia,* 1865, p. 459; *Lexington Observer and Reporter,* Dec. 9, 1865. For various statistics at different times, see *Hunt's Merchant Magazine,* L (1864), 344; *Annual Cyclopædia,* 1863, p. 563. Collins, *Kentucky,* I. 100, 153; Shaler, *Kentucky,* 378, 379.

[89] *Cincinnati Gazette,* Jan. 27, 1865; Collins, *Kentucky,* I, 100.

[90] *Ibid.,* 98.

[91] *Cincinnati Commercial,* March 20, 1862; Collins, *Kentucky,* I, 119; *Cincinnati Gazette,* Jan. 4, 1865.

[92] Collins, *Kentucky,* I, 139. Also see *ibid.,* 126.

[93] *Ibid.,* 98, 130.

[94] *Acts of Kentucky,* 1861, pp. 78, 79. March 14, 1862. This was a species of relief legislation, but there is no evidence that much was accomplished by it.

was at the beginning. The total debt on October 10, 1859, was $5,698,000, whereas in 1865 it was $5,254,000. The payment of this debt was amply provided for in the sinking fund; and besides the Federal government still owed the state $1,963,000.[95] At the end of each succeeding year during the war the treasury showed an increased balance.[96] Although the state violently disagreed with the Federal government at times, it was not niggardly in its war expenditures. For military purposes it spent more than $3,500,000, throughout the war. The state tax rate was 40 cents on the $100.[97]

There was little or no railroad development during the war, except for strictly military purposes. The Louisville and Nashville, though often raided, was kept in good repair, as it was the lifeline of the Federal armies to the southward.[98] At the very beginning of the war an ambitious military railway was projected into eastern Tennessee. It was a child of the brain of Lincoln, who felt that one of the greatest strategic moves that could be made would be to tap the loyal regions of eastern Kentucky and Tennessee and western Virginia and North Carolina, bind them together into a fighting unit, and deal a staggering blow to the Confederacy by breaking the Virginia and East Tennessee Railroad, the great line of communication between the eastern and western parts. In his message to Congress, in December, 1861, he asked for an appropriation to build such a road and suggested the coöperation of Kentucky.[99] Congress took up a discussion of the subject, but was slow in coming to any conclusion.[100]

General Jere T. Boyle soon became greatly interested in the project. He devised a plan to build the road whereby he would, by impressing the slaves of Southern sympathizers, furnish the labor to any corporation that would undertake the work.[101] The Lebanon branch of the Louisville and Nashville, which had been finished as far as Lebanon in 1857, was to be extended to Danville with the understanding that the Louisville and Nashville would

[95] *Annual Cyclopædia*, 1865, p. 459; Collins, *Kentucky*, I, 165; *Lexington Observer and Reporter*, Dec. 9, 1865.

[96] For instance the balances increased as follows, for the first three years: 1860—$126,000; 1861—$280,000; 1862—$459,000; 1863—$808,000. *Tri-Weekly Commonwealth*, Oct. 30, 1863; Collins, *Kentucky*, I, 128.

[97] *Hunt's Merchant Magazine*, LIV, 346, 347.

[98] For instance, see *Official Records*, ser. I, vol. 30, pp. 891, 892.

[99] Richardson, *Messages and Papers of the Presidents*, VI, 46; *Illinois Journal*, Dec. 11, 1861.

[100] Collins, *Kentucky*, I, 99.

[101] *Cincinnati Commercial*, Aug. 26, 1862.

eventually acquire it. The Kentucky Central was to be extended from Nicholasville to Danville and on to Somerset. It was believed that three years would be required to build it on to Knoxville. In the summer of 1863, Burnside ordered a levy of 8,000 slaves to begin work at once. By the beginning of September, 300 were actually at work, when Congress interposed and stopped further progress.[102] The following January the legislature asked Congress to construct the road to the Cumberland River, but a few months later the Secretary of War declared that the military necessity for a railway in this region did not exist.[103] And so the problem of a railway to the southward, no longer necessary for war purposes, was left unsolved; but it was to arise again immediately after the war, now with a commercial significance, and the solution lay in a spectacular and picturesque struggle between the two great rival cities of the Ohio Valley.

The destructions of war left in their trail blighted hopes and ruined lives, and aroused a feeling of helpfulness among the more fortunate. In the very beginning of the war, a "Ladies' Military Benevolent Association" was organized in Lexington;[104] and soon thereafter there was work a plenty to be done, for a stream of refugees from the eastern part of the state began to pour into the more favored Blue Grass region.[105] Many needy widows and orphans deserved attention. Governor Robinson suggested that a fund be raised for their protection by requiring from all citizens a per capita tax of ten to twenty cents.[106] A little later Governor Bramlette called on those people whose slaves had been taken for army purposes "to devote whatever sum the government may pay for them to the noble purpose of relieving the wants and supplying the necessities of the wives and children and widows and orphans" of the state's soldiers. He offered whatever he should receive from his two slaves and hoped that $500,000 might be raised to be "dedicated to this patriotic charity."[107] In 1865, the legislature called on the governor to appoint agents to visit the sick and wounded soldiers in camps and hospitals and on the field of battle.[108]

[102] *Official Records,* ser. I, vol. 30, part 3, pp. 64, 92, 786, 787, 810.
[103] Collins, *Kentucky,* I, 130, 135.
[104] *Cincinnati Commercial,* Nov. 13, 1861.
[105] *Ibid.,* Nov. 3, 1862.
[106] *Daily Commonwealth,* Dec. 8, 1863. Message to the legislature.
[107] Collins, *Kentucky,* I, 149.
[108] *Acts of Kentucky,* 1865, p. 63.

Education, never a very great concern of the Kentuckians, was dealt a very severe blow by the war. The state was so thoroughly overrun by contending armies and marauders and the people were so completely demoralized that many schools were suspended or entirely broken up. There was little chance for educational vision among the lawmakers, with the inevitable result that no general legislation whatever was passed concerning the schools. The state took neither thought nor time until the war had ended, to accept the conditions of the Federal land grant made by Congress in 1862 to aid education. The private or denominational colleges either closed their doors with the coming of the war, or dragged out a shadowy existence. Transylvania, the best known of the colleges, continued for a time with a few students in the law department; but in the midst of the war its buildings were seized by the Federal government and occupied as a military hospital where the "groans of wounded and dying filled the classic halls which had so often echoed to the logic of Holley, the fire of Bascom, or the eloquence of Clay."[109]

Little progress was registered in the field of journalism, apart from the prominence of George D. Prentice, the editor of the *Louisville Journal.* Well-known in his field before the war broke out, he became during the struggle a mighty force in state thought and politics. He ardently opposed secession, though he characterized Lincoln's call for troops as "unworthy not merely of a statesman but of a man."[110] When the war came he lent the full force of his paper in its support, but in a short time he was violently condemning Lincoln for his slavery policy and for other radical measures. However bitter he might wax against the usurpations of the National administration, he never was able to discover anything good to say about the Confederacy, and he never faltered in his determination to see the war fought to a successful conclusion.[111]

The *Louisville Courier,* under W. N. Haldeman, was well-known and exerted a considerable influence during the period of neutrality. So intensely pro-Southern was it that on the day that the state abandoned neutrality, an order was issued excluding it from the mails, "as an advocate of treason," and later on the same

[109] Barksdale Hamlett, *History of Education in Kentucky* (Frankfort, 1914); A. F. Lewis, *History of Higher Education in Kentucky* (Washington, 1899). United States Bureau of Education Circular No. 3, 1899.

[110] Quoted in *Kentucky Yeoman,* April 16, 1861.

[111] He had a son in the Confederate army.

day it was suppressed by military force.[112] It re-appeared in Bowling Green, while the Confederates occupied the southern part of the state, and was said to be "twice as reckless as the concern published in Louisville. . . ."[113]

The third of the three great Louisville dailies, the *Louisville Democrat,* was edited by John H. Harney. It supported the Union in the beginning, but with the coming of the emancipation proclamation and the various military rigors, it became more critical of the National administration than the *Journal,* and assumed the leadership of the Peace Democrats. Most of the small county weeklies eked out an uncertain existence, others were forced to quit for varying reasons. The military authorities laid violent hands on some, and some were denied permission to buy print paper. The *Frankfort Yeoman* was forced to suspend, not only on account of the brow-beating its editor got at the hands of the military, but also because on examining its subscription lists it was found that the paper was pursuing a policy against the prevailing sentiment of the community.[114] The *Shelby News* also found itself arguing on the unpopular side of various questions, but it had the misfortune to be in a community where the Southern sympathizers predominated, so its Unionism availed it nothing except ultimate extinction. In 1863 it was a mendicant, supplicating at the feet of Joseph Holt for a paltry $2,500 or $3,000 with which to begin life over again, and it promised to amply repay in the strong Unionism that it would display.[115]

The Cincinnati newspapers worked the Kentucky field with skill and industry. They sent their best reporters to the state with the result that the Cincinnati press covered the Kentucky news in an excellent fashion. These papers attained such a wide circulation in Kentucky that they claimed at times to be threatening the existence of the Louisville press. The *Cincinnati Commercial* had 1,192 subscribers in Kentucky at the beginning of 1861, and when the war came and as it progressed its circulation increased.[116] The *Cincinnati Gazette* also had wide patronage here. These papers were strongly for the Union in their policy and could find no fault with Lincoln. They became the organ of the Kentucky unconditional Unionists, who were, thus, forced to depend on

[112] *Cincinnati Commercial,* Sept. 19, 1861; Collins, *Kentucky,* I, 94.
[113] *Cincinnati Commercial,* Oct. 22, 1861; *Cincinnati Gazette,* Aug. 24, 1865.
[114] *Tri-Weekly Commonwealth,* May, 1863.
[115] *Holt MSS.,* XXXVIII, 5096. H. F. Middleton to Holt, May 19, 1863.
[116] *Cincinnati Commercial,* Jan. 12, 1861.

newspaper support coming from without the state. The third of the outstanding Cincinnati dailies was the *Cincinnati Enquirer.* It was Democratic in politics and sympathized with a majority of Kentuckians in their complaints against the Federal government; but in so doing, it aroused the ire of the military authorities, who referred to it as a "rebel sheet" and now and then excluded it from the state.[117]

One of the most devastating products of the war was the seeds of hatred and bitterness that were scattered broadcast, springing up in the family circle, in town and city and rural community, in business, in religion, in politics—everywhere. Some of the bitterest controversies were fought out in the churches, and no denomination was free from the effects of this withering disputation. Slavery, the merits of the Union and of the South, and a hundred other subjects arose to divide and distract. The Presbyterians suffered more than any other denomination, due to their outstanding leaders and prominent position in the state. A minister of this faith complained in 1864: "My inflexible Loyalty has been made the occasion of two defections from my church—*one* in the secessionists & *second* in the defection of the political schismatics of 1864—the latter more intensely bitter than the former. The alienations are so great as to make my ministerial life miserable to me. This leaves my church weak and unable to support me."[118]

This legacy of torn and disorganized society was handed down as a problem to be solved in the days following the war. Time was an effective healer; and other factors which were already beginning to appear, were to become even more effective, as will appear hereafter.

[117] See *Cincinnati Commercial,* Aug. 24, 1861.

[118] *Breckinridge MSS.,* 1864. George Morrison to R. J. Breckinridge, Oct. 30. See also Stanton, *The Church and the Rebellion, passim.*

CHAPTER XIII

POST-WAR POLITICS AND THE END OF SLAVERY

Appomattox brought rejoicing to all Kentucky though it was tinged in many a heart with a feeling of sadness for a cause that had been secretly or openly espoused but was now lost. Five days later the sympathy of the state was deeply touched and a great transformation seems almost mysteriously to have swept over the people when the word came that Lincoln was dead. From their customary attitude of condemnation and villification, they now turned to honoring and praising. They speedily forgot their past four years' opposition to the President, who now lay dead, and they have never sought to recall it.

Governor Bramlette called on all to pay homage to the nation's dead and on the day of the funeral to toll the bells throughout the state, suspend business, and drape in mourning all public offices.[1] A large public meeting was held in Louisville the day before the funeral, at which Bramlette presided and made a speech. He paid high tribute to Lincoln as the savior of the nation and made bold to admit that the President's opponents all along had been wrong. James Guthrie added his word of praise. General Palmer, also, spoke, calling Lincoln "the purest man of the ages" and added the warning that "the wicked need not rejoice nor the patriotic despond."[2] A procession three miles long threaded its way through the streets; similar marks of respect were held in other parts of the state.[3] As if the people had not yet shown full grief, a few days later Bramlette set aside the first day in June as a time for fasting, humiliation, and prayer;[4] and the legislature declared that Lincoln had shown "high qualities of honesty, clemency, patriotism, and ability."[5]

But Appomattox did not mean peace in the land that had known no peace for the last four years; and well might the people have beat their breasts in sorrow when Lincoln died. Evil days,

[1] *Semi-Weekly Commonwealth,* April 18, 1865.
[2] *Cincinnati Gazette,* April 18, 1865.
[3] Collins, *Kentucky,* I, 158.
[4] *Semi-Weekly Commonwealth,* May 12, 1865; Collins, *Kentucky,* I, 159.
[5] *Acts of Kentucky,* 1865, p. 161. Resolution, May 26.

which the state had so often complained of, were yet to come in still greater numbers. All the paraphernalia and trappings of war and its hard effects were still to be seen on every side. Military interferences showed no signs of slackening and the distracting question of slavery was yet to be answered.

Lincoln soon after his emancipation proclamation, which did not touch the border states, came to the conclusion that slavery should be abolished throughout all the country forever and he set his heart on a constitutional amendment as the only way to accomplish it beyond any doubt or legal technicality. After considerable discussion and one defeat in Congress the amendment received the required majority in each house by January 31, 1865, and was immediately submitted to the states for ratification.

Although Kentucky almost to a man had been fiercely hostile to the emancipation proclamation, it was soon evident to many that slavery had been dealt a death blow and that it was only a question of time when disintegration would be complete. Prentice lent the full influence of his *Journal* to convince the people that they should recognize the inevitable and be prepared to ratify the slavery amendment that was sure to come. Slaves were almost valueless as laborers, so demoralized were they, and the sooner people should begin to reconstruct on free labor the better.[6] Bramlette in his message to the legislature in January, 1865, described the impossible situation in which the state found itself. Under the conditions then prevailing with the trend of the times distinctly toward an intensification of them, no power on earth could preserve slavery. But what could the state do to solve a situation it had striven so hard to prevent? According to the state constitution no slaves could be freed without the consent of their owners and without full compensation, and provision must be made for the removal of all former slaves from the state.[7] It would have been, of course, an impossibility to secure the consent of all, and without unanimity the situation would be as aggravated as ever. Constitutions, it is generally supposed, may always be amended, but the Kentucky document came near being an exception. So cumbersome was the process, through a labyrinth of successive elections to a convention, that assuming that every vote would be favorable, something that never happened, the constitution could not possibly be amended before 1870.[8]

[6] *Louisville Journal,* Dec. 1864, *passim.*
[7] Article X, section 1.
[8] Article XII, section 1.

As slavery was already dead in every respect except in name, Bramlette suggested to the legislature that it give the right to slave-owners to emancipate their slaves, but continue to hold them to a term of service for ten years, during which time the negroes should be considered as accumulating wages sufficient to provide for their colonization abroad. He believed this plan would also have the additional value of giving time to amend the constitution and to work out a further policy and that it would also "avoid the injurious effects of a sudden breaking up and disruption of the entire labor system. . . ." He thought this plan would work, if the Union men would come to the rescue, for according to his belief, most of the slave-owners had been Union soldiers.[9]

There was now much discussion of slavery in legislative halls and over the state; but it was soon pretty evident that Kentucky would make no move to free the slaves as Missouri and Maryland had done.[10] Some had wanted the Kentucky delegation in Congress instructed to vote against submitting the Thirteenth Amendment to the states;[11] and in fact both Senators had voted against submitting it.[12] In presenting it to the Kentucky legislature, Bramlette recommended its passage. He realized that Kentucky had been fearfully treated, that she had been deceived and hoodwinked from the beginning, but conditions existed which had to be met, and it was mere folly to stand still and chide those responsible. But in ratifying, the legislature should stipulate that such ratification should count only after Congress should have paid the state $34,000,000 for its slaves—their assessed value in 1864. England had paid her slave-owners when their slaves had been freed; could the United States afford to be less generous? Furthermore it was "better to ratify conditionally, than not at all." He appealed to the legislature not to take a narrow legalistic view. "By refusing the conditional acceptance suggested," he asked, "will you not greatly endanger the quiet and security of our people, and subject them to untold harassments by protracting the issue, without the possibility of gaining anything thereby? Will you not risk the loss of all against nothing to be gained?"[13] The North felt that

[9] *Kentucky Senate Journal,* 1865, p. 21; *Lexington Observer and Reporter,* Feb. 1, 1865; *Cincinnati Gazette,* Jan. 7, 1865.

[10] See *ibid.,* Jan. 12, 13, 28, 1865.

[11] *Ibid.,* Jan. 27, 1865.

[12] Greeley, *American Conflict,* II, 674.

[13] *Kentucky Senate Journal,* 1865, pp. 274-277; *Cincinnati Gazette,* Feb. 8, 11, 1865.

the state was placing self interest above moral right and the national welfare.[14]

The flood-gates of discussion now opened were not to be closed for many months to come. The *Cincinnati Gazette,* viewing the situation from a distance, declared "Slavery now divides the people of Kentucky, estranges members of the same family and creates deadly hatred between neighbors. Kentucky needs the speedy settlement of this question for the sake of her own domestic peace and prosperity."[15] Prentice kept up an endless stream of arguments and comments. There was an "irresistible current of popular sentiment" which was "sweeping on to the overthrow of slavery," and the person who planted himself in its way was foolish.[16] There could be no doubt that the amendment would carry and end the "most fruitful source of political strife in America."[17] Slavery was dead, why not recognize it gracefully? "Kentucky slavery," said Prentice, "is now worth less than nothing. While we have it nominally, there is really no involuntary servitude among us, and there is no earthly hope of our having genuine slavery in our State again."[18] But most Kentuckians had tenaciously set themselves against aiding in carrying out, as they termed it, a course of deception and fraud that was now well on the way to cheating themselves out of $100,000,000 of property. Planting themselves on the law and the constitution and on a stream of promises long broken, they would not desert their principles for gain, in the name of expediency or otherwise.[19]

Resolutions of every character and discussion as varied, now occupied the time of the lawmakers. Freeing the slaves would mean negro suffrage, negro equality, and the prying fingers of the Federal government thrust into state affairs forevermore.[20] The Conservatives would have none of it; the Lincoln Republicans (Radicals) enthusiastically supported the amendment.[21] Efforts were made in both houses to submit the question to the people in the following August election (1865), but the legislature would not put off the day so long for the contemptous burial of the out-

[14] *Cincinnati Gazette,* Feb. 13, 1865.
[15] Feb. 13, 1865.
[16] Quoted *ibid.,* Feb. 11, 1865.
[17] Quoted *ibid.,* Feb. 6.
[18] Quoted in *ibid.,* March 6, 1865.
[19] *Lexington Observer and Reporter,* Feb. 11, 1865.
[20] The enabling clause, that "Congress shall have power to enforce this article by appropriate legislation" was voted out for this last reason. *Cincinnati Gazette,* March 16, 1865.
[21] *Ibid.,* Feb. 15, 17. Caucuses of each party were held on the 13th.

rageous amendment. The house refused to be bribed into deserting its principles and appearing before Congress as a supplicant for what it knew was already its own—to ratify the amendment unconditionally with a prayer for compensation was unthinkable. It rejected the amendment outright 57 to 28, and it indignantly refused by a vote of 63 to 21 to ratify on condition of compensation.[22] Virtually the same tactics were pursued in the senate. John F. Fisk moved that the amendment be ratified and that Congress be asked to compensate loyal slaveholders for the loss of their property. This was rejected 22 to 11. Former governor James F. Robinson stood for ratification provided Congress would pay $36,000,000 for all claims then existing and all that should arise from slavery, and on condition, also, that Congress would remove from the state all free negroes. This the senate defeated 24 to 9. It then on February 23rd rejected the amendment unconditionally 21 to 12 and the next day accepted the house resolution of rejection 23 to 10; and according to the newspaper reporter the amendment "went the way of all the world. Dead, dead, dead is its fate."[23] In an adjourned session in May an attempt was made to re-open the question of ratification, but it was promptly defeated 17 to 11.[24] The Radicals re-opened the question in the session of 1865-1866, and although Secretary Seward had already announced the adoption of the amendment, they attempted to have Kentucky ratify as a matter of record. In both houses the movement failed, and the former rejection was declared a finality.[25]

Thus would Kentucky stick to her constitutional rights, however expedient it might have seemed to give them up. Bramlette sent a message to the legislature regretting that body's lack of foresight in not following his strategy of passing the blame to Congress for the continued existence of slavery in the state, which would have been true had Kentucky ratified on condition of compensation and Congress had not accepted.[26] Thus it happened that Bramlette found himself in disagreement with his party, the Conservatives, and for the time being running along with the Radicals—something that greatly pleased the latter.

[22] *Cincinnati Gazette,* Feb. 25, 1865.

[23] *Ibid.,* Feb. 24, 1865. See also *ibid.,* Feb. 11, 23, 25; *Acts of Kentucky,* 1865, pp. 156, 157; Collins, *Kentucky,* I, 154, 155.

[24] *Ibid.,* 159.

[25] *Cincinnati Gazette,* Dec. 15, 21, 1865; Jan. 26, Feb. 16, 1866. House, 57 to 31; senate, 17 to 10.

[26] *Semi-Weekly Commonwealth,* March 3, 1865; *Cincinnati Gazette,* March 3, 1865.

Kentucky might rejoice at the quick rebuff she gave the Federal government on the slavery question, sweet revenge for four years of outrage; but she was soon to see that the power of the army was mightier than the constitution, if, indeed, she had foolishly forgotten it. As had been argued by Prentice and Bramlette, slavery was in the rapid process of extinction if it were not already dead; demoralization was on every side and no master could be certain his slaves would be with him from one day to the next. Under such conditions slaves would not do their accustomary work and could not be forced to do so. The price of slaves dropped almost to nothing. In March, four slaves sold for $500, who would easily have brought ten times that much in 1860.[27] In May, the tax assessors in Boone County reported the number of slaves but put no value whatever on them.[28]

Soon there was a great scarcity of labor and wages ran high; "few were left at home and farmers generally, and many residents of cities and towns were suddenly left without their accustomed and necessary help, the long established system of labor terribly disturbed, and citizens excited almost to revolution."[29] Petty thievery of every description began to spring up in every neighborhood. Cows were stolen around Lexington and shipped to Louisville and sold to butchers.[30]

How was this confusion to be remedied or what was to come of it? Some had argued that slavery would be abolished because it would pacify the negroes and make good workmen of them again;[31] it would also dignify labor and tend to relieve the shortage by attracting white laborers to the state.[32] But Kentuckians generally were wedded to negro labor, slave or free, believing the Kentucky negro "to be better adapted to our mode of farming than the white laborer . . . and for household service that Kentucky much prefers the negress to the white."[33] There were others who felt they could never tolerate negro labor removed from slavery, and standing by the state constitution, which required the removal of freed negroes, they predicted that the next

[27] *Cincinnati Gazette,* March 6, 1865.
[28] Collins, *Kentucky,* I, 159.
[29] *Cincinnati Gazette,* Oct. 30, 1866. Quoted from a decision of the Court of Appeals in a case against General Palmer. See also "Minority Report of the Committee appointed on the proposed Amendment of the United States Constitution," no. 27 in *Kentucky Documents,* 1865.
[30] *Lexington Observer and Reporter,* Nov. 8, 1865.
[31] *Cincinnati Gazette,* Jan. 3, 1865.
[32] *Ibid.,* Jan. 28.
[33] *Ibid.,* Jan. 12.

legislature would drive every such one out of the state.[34] Some believed the slaves would voluntarily leave the state as soon as freed as they would naturally tend to seek a warmer climate, carrying out the idea that immigration follows the isotherm.[35] Actual facts completely reversed these predictions. The negro before he was freed as well as afterwards was fired generally with the desire to move to the northward. Large numbers crossed the Ohio River into Ohio, Indiana, and Illinois. In 1870, there were almost 6 per cent fewer negroes in Kentucky than in 1860, whereas Ohio's negro population had increased 72 per cent; Indiana's, 115 per cent; and Illinois', 277 per cent.[36]

This great moving mass of blacks first sought out the cities in the state and there congregated in menacing numbers. The two favorite centers, becoming blacker and blacker as each straggling slave slipped in, were Lexington and Louisville. The former caught the wanderers of the Blue Grass, while the latter drew from everywhere.[37] Louisville was military headquarters; the army had no patience with slavery; hence, Louisville meant freedom to the slave who went there. General Brisbin described the situation when he said, "Having become restless and dissatisfied, the slaves leave their homes, and setting their faces toward Louisville, journey for days over long miles to these Headquarters, as the Mecca where freedom may be found, when that freedom should reach them in their homes, and they not be forced to become outcasts and wanderers in order to enjoy it."[38]

The army now set itself up to regulate slavery in Kentucky, and its secret purpose was speedily to regulate it out of existence. A considerable number of slaves had already been freed by the operation of an act of Congress of July 17, 1862, which granted freedom to all slaves of rebels, who should be enrolled in labor battalions. Their mothers, wives, and children were also declared free, unless they belonged to loyal owners.[39] The army had enlisted many such slaves in Kentucky for building roads and fortifications and for driving wagons.[40] The most effective way for

[34] *Cincinnati Gazette,* Aug. 17, Oct. 5, 1865.

[35] *Ibid.,* April 28, 1865.

[36] *Eighth Census* (1870), "Population and Social Statistics," xi; *Hunt's Merchant Magazine,* LIII, 134.

[37] *Annual Cyclopædia,* 1865, p. 462; *Cincinnati Gazette,* Oct. 17, 1865.

[38] *Lexington Observer and Reporter,* April 29, 1865. Brisbin to Bramlette, April 20th.

[39] McPherson, *History of the Rebellion,* 274.

[40] For instance, see *Official Records,* ser. III, vol. 3, p. 1077.

freeing slaves was by enlisting them in the army, and this method was greatly strengthened by a law of Congress of March 3, 1865, which made the wives and children of such persons unconditionally free. The military authorities now openly admitted that they were attempting to secure negro soldiers, not because more troops were needed but because they would thereby free slaves. "To the colored man not in the army," said Palmer in a general order, "it offers an opportunity to coin freedom for themselves and their posterity." He expected loyal Kentuckians to help speed the process.[41]

When Lee surrendered at Appomattox and the war had in effect ceased, Kentuckians expected armies to be demobilized and enlisting to cease. This was true as to white troops, but the negroes, who were the last to get into the war, were now going to be made the last to get out. Palmer would give up no such valuable weapon in his fight against slavery; for to deal slavery a blow had been one of his chief motives in accepting the Kentucky command. "When I came to Kentucky," he said, "I made up my mind that all that was left of slavery was its mischiefs, and that I would encourage a system of gradual emancipation, a thing that has been desired so long, and which the colored people had pretty well established for themselves."[42] He did not wait supinely for the negroes to come in and don the uniform; he sent out squads of negro soldiers in shining array to entice the negro away from his cabin in the country and to pick up the wanderer who had drifted to the town and city. From seventy to a hundred slaves were enlisted daily in this period, when the alarms of war had ceased, and including their wives and children at least 500 slaves were freed daily.[43] It was not only felt that this was an excellent answer to the legislature's refusal to ratify the Thirteenth Amendment, but it also might make that body see a new light when it should be given the chance to act again.[44]

This continued enlisting of negro troops in peacetime was strongly resented, and near the end of May the Kentucky house voted almost unanimously to inquire of the Secretary of War the cause.[45] Even without the distractions and disorders of enlisting

[41] *Official Records,* ser. III, vol. 3, p. 564.

[42] *Lexington Observer and Reporter,* Jan. 10, 1866. Speech at Louisville, January 1st.

[43] *Annual Cyclopædia,* 1865, p. 462; *Cincinnati Gazette,* May 31, 1865; Collins, *Kentucky,* I, 159.

[44] *Official Records,* ser. III, vol. 4, p. 1271.

[45] *Cincinnati Gazette,* May 22, 1865.

slaves, the continued presence of large numbers of negro troops in the state when most of the whites had been mustered out was bitterly opposed. They were a constant menace to peace and good order and in some places they added to their petty thievery, the pillaging and plundering of courthouses and other public buildings.[46] In early June the legislature earnestly urged "the immediate removal of all negro troops from the State" as they were "committing many outrages upon the lives and property of the citizens."[47] Later a special committee was sent to Washington in an effort to convince President Johnson that he should act in the matter.[48] The negroes were gradually mustered out, but there were still 6,000 in the state in October.[49] The last ones were demobilized in early April of 1866—a year after the war had ceased.[50] In all, about 29,000 negroes had been enlisted in the state.[51]

Palmer had another weapon which he used in his campaign against slavery, by which he so completely demoralized and scattered the slaves that the institution practically ceased to exist before the Thirteenth Amendment came. This was the issuing of free passes to negroes to travel wherever they pleased. He began by giving passes to the wives and children of negro soldiers and to other free negroes, but he soon speeded up the milling mass of blacks by issuing passes to all comers.[52] At one time he explained that passes were issued only for the purpose of relieving the congestion in the cities;[53] but later when pressed for a statement by the Secretary of War, he said he intended that only free negroes should have them, but that necessarily many mistakes were made.[54] At Louisville alone he handed out between 150 and 300 passes daily; from May 18 to June 1, 1,900 were issued; during the first three weeks in June, 671 more; and in September 2,230.[55] The *Lexington Observer and Reporter* accused Palmer of charging from 50 cents to $10 for these passes, and claimed that

[46] *Official Records,* ser. I, vol. 49, part 2, p. 905; *Cincinnati Gazette,* June 17, 1865.

[47] *Acts of Kentucky,* 1865, p. 166. Resolution, June 3. See also *Cincinnati Gazette,* June 5, 7, 1865.

[48] *Ibid.,* Oct. 5.

[49] Smith, *History of Kentucky,* 775.

[50] *Cincinnati Gazette,* April 11, 1866. See also *ibid.,* Oct. 3, 17, 1865.

[51] *Ibid.,* Aug. 3.

[52] *Ibid.,* May 16.

[53] *Ibid.,* Aug. 2, 3, 1865.

[54] *Ibid.,* Oct. 14. Letter to Stanton, Oct. 2.

[55] *Ibid.,* June 9, Oct. 24; Collins, *Kentucky,* I, 164; *Annual Cyclopaedia,* 1865, p. 460.

up to November he had issued 20,000 throughout the state. It was interested in knowing what had become of the money collected.[56]

Thus, instead of quieting and pacifying the negroes, he made them more restless and kept them in a continuous state of commotion. According to the wording of the "free pass," as it was generally called, the negro was "to pass at will in search of employment";[57] and he was, thus, given free rein to congregate in the cities—a condition which Palmer claimed it would prevent. He let the word out in the Paris section that passes would be given to slaves and in a short time the streets were jammed with masses of excited blacks. As described by one observer, "The roads were literally filled with them, of all ages and sizes, including the lame, the halt, and the blind, in wagons, buggies, on horseback and on foot."[58] This pass system "turned loose upon the community thousands upon thousands of vagrant negroes who subsist by stealing. Our farmers find it almost impossible to keep any of the smaller animals or store of provisions upon their farms."[59] Palmer in a letter to President Johnson told of the turmoil and confusion that prevailed and how the report had got started that all would be freed on July 4th. He boldly admitted that he was trying to solve the situation by passing as many as possible out of the state, and that up to the first of June 5,000 had crossed the river at Louisville alone.[60] By the middle of October it was reported that 10,000 had gone north of the Ohio.[61]

There was naturally an outcry and great opposition to this campaign for freeing the slaves. Despite the fact that the pass carried the command that "all public carriers will respect this pass,"[62] Palmer found much trouble in enforcing obedience. He issued an order on July 20th commanding all railways, steamboats, ferryboats, and other public carriers to transport any negroes tendering the pass and the required fare, and threatening those who refused with arrest and military trial outside the state.[63] The Kentucky Central Railway refused to transport slaves unless

[56] Nov. 1, 1865.
[57] *Cincinnati Gazette,* July 29, 1865. Copy of pass given here.
[58] *Western Citizen* quoted in *Cincinnati Gazette,* July 29, 1865.
[59] Editorial in *Lexington Observer and Reporter,* Nov. 1, 1865.
[60] *Ibid.,* Aug. 9. Letter, dated July 27th.
[61] *Cincinnati Gazette,* Oct. 14, 1865.
[62] *Ibid.,* July 29, 1865.
[63] *Annual Cyclopaedia,* 1865, p. 465; Collins, *Kentucky,* I, 162.

they had passes from the masters also, and the ferryboats at Louisville did likewise.[64] Palmer went to Washington now and then to secure approval of his course or as one Kentuckian put it, "to get some more power for engineering Kentucky through with her dead carcass of slavery."[65] He stationed guards at the Louisville ferry to force the transportation of slaves across, and appealed to the War Department for support, which was, however, refused in this instance.[66]

The common carriers were only obeying state law when they refused to carry slaves without the permission of their masters, as this was a fundamental part of the slave code, and, of course, had not been repealed. Palmer had unceremoniously brushed aside this law and defied the state. Advertisements appeared in the papers, warning anyone from hiring slaves that had drifted away under Palmer's passes; and people banded together for the purpose of preventing negroes with passes from being hired.[67] Under state law there was a severe punishment for employing runaway slaves, and, of course, a Palmer pass did not change their status before the law. A bill had been passed in June, but pocket vetoed by Bramlette, to repeal the law offering rewards for runaway slaves and specifically to meet the prevailing conditions by making it a fine of $5 a day to hire them.[68]

The state was not disposed to let Palmer continue unchallenged. He was indicted by the Louisville grand jury for enticing slaves away from their masters and tried in December.[69] The judge of the circuit court got out of a difficult position by dismissing the indictment on the ground that the Thirteenth Amendment had already received the required number of votes for ratification when the indictment had been brought, and that, therefore, Kentucky's slave code was of no effect.[70] This argument was held to be faulty and the case was appealed to the Court of Appeals, which remanded it to the Louisville court for retrial.[71] But by this time Palmer had ceased to be commander and had left the state, and so the trial was abandoned. The *Cincinnati Gazette*

[64] Collins, *Kentucky,* I, 164.

[65] *Holt* MSS., XLVIII, 6380. T. S. Bell to Holt, June 2, 1865.

[66] Collins, *Kentucky,* I, 164; *Cincinnati Gazette,* Oct. 24, 1865.

[67] *Ibid.,* July 29, Oct. 14.

[68] *Ibid.,* June 7. For this method of vetoing see the Constitution of 1850, article III, section 22. Poore, *Constitutions and Charters,* 674.

[69] *Cincinnati Gazette,* Sept. 27, 1865; Collins, *Kentucky* I, 162, 164.

[70] *Cincinnati Gazette,* Dec. 11, 1865; Collins, *Kentucky,* I, 165.

[71] *Cincinnati Gazette,* Oct. 30, 1866.

said in October, 1866, "Perhaps nothing ever illustrated more the malignant spirit of Kentucky disloyalty than the persistent keeping up of this stupid, unnecessary and impotent suit."[72] Garret Davis, who had at one time allowed no one's zeal for the Union to exceed his own, now brought suit against Palmer and the Kentucky Central Railroad, in the Bourbon Circuit Court for $10,000 damages on account of the loss of his slaves.[73]

There was one continuous conflict between Palmer and the Kentucky civil authorities, as the latter tenaciously clung to the empty shell of slavery. In June, he peremptorily ordered the release of a slave held in the workhouse in Louisville by order of Judge G. W. Johnson in pursuance of a law which forbade a slave to offer himself for hire without his master's permission.[74] In his dealing with the question, Palmer openly set at defiance the authority of the city of Lexington. The mayor in October issued this proclamation: "The congregation of colored persons in this city, claimed to be slaves by the neighboring farmers and others, has become an evil of such magnitude as to require correction. It is therefore hereby notified to such owners that unless such colored persons are removed from the city to the home of their claimants, by the 25th day of this month, legal proceedings will be instituted under the state law to compel compliance. The City Marshal and his assistants shall at once make out a roll of the age, sex, and claimant of all colored persons going at large in this city, and hand a copy to the City Attorney for proper legal proceedings."[75] Palmer ordered Brisbin, in command at Lexington, to protect the people from the violence invited by the mayor's proclamation, and to allow no negroes to be turned over to their so-called masters. He boldly added that "all the people of the state are presumed to be free, and will be protected as free until orders are received to the contrary."[76]

Palmer and Brisbin set themselves up as guardians of the negroes and their protectors against every act of the state to control them. The latter threatened with imprisonment at hard labor all who whipped their slaves, even though they were charged with and were doubtless guilty of many petty thieveries.[77] Palmer

[72] Oct. 30.

[73] *Lexington Observer and Reporter,* Oct. 25, 1865; *Cincinnati Gazette,* Oct. 21, 1865.

[74] Collins, *Kentucky,* I, 161; *Annual Cyclopaedia,* 1865, p. 465.

[75] *Cincinnati Gazette,* Oct. 23, 1865. Proclamation, Oct. 17.

[76] *Annual Cyclopaedia,* 1865, p. 465; Collins, *Kentucky,* I, 164.

[77] *Lexington Observer and Reporter,* Nov. 8, 1865.

brusquely set aside a Lexington ordinance forbidding negro gatherings on the grounds that it would prevent religious meetings and also on the claim that slavery did not exist.[78] In November, Brisbin notified Garret Davis and others that suit would be brought against them if they did not pay their enlisted slaves' wives and children wages for every day's labor after the 3rd of March, when the Federal law made them free.[79] A case involving this point soon appeared in the Kentucky courts. Henry P. Reid indicted the Kentucky Stage Company in the Montgomery Circuit Court for transporting six of his slaves to Lexington without passes from him. The stage company declared they were wives and children of negro soldiers and hence free, according to the Federal act of March 3rd. Judge Apperson held this act of Congress unconstitutional and decided against them.[80] In December, the Court of Appeals affirmed a decision appealed up from Nicholas County, that the act of Congress of March 3rd was unconstitutional.[81] Judge Granville Pearl sent back to slavery the wife of a negro soldier on the ground that the act of Congress was void. For this he was arrested by Brisbin and brought to Lexington.[82]

Thus was further evidence piled up showing the impossible situation that had come to pass where state laws were sadly out of harmony with the actual conditions. So varied were the laws, proclamations, and rulings of the Federal government, each affecting a different class of slaves that it required considerable legal knowledge to tell which negroes were free and for what reason. Palmer gave President Johnson an itemized statement of slavery in Kentucky in July. Giving the number of slaves in 1860 at 230,000, he estimated that there must be 72,045 wives and children of the 28,818 negro soldiers freed by the act of March 3rd (computing on the ratio of two and one half to each soldier). As the negro soldiers were free, they were added to the free wives and children, which made a total of 100,863, leaving a balance of 129,133. Assuming that a half of these belonged to rebels and were, therefore, free, he determined the number of slaves to be 64,568.[83] Palmer was now straining at the leash to destroy this last remnant. Although he had previously declared that slavery

[78] *Cincinnati Gazette,* Aug. 14, 1865.
[79] Collins, *Kentucky,* I, 164.
[80] *Semi-Weekly Commonwealth,* Oct. 3, 1865.
[81] Collins, *Kentucky,* I, 166.
[82] *Cincinnati Gazette,* Oct. 13, 17, 1865; Collins, *Kentucky,* I, 164.
[83] *Cincinnati Gazette,* Aug. 3, 1865. Letter, July 27. See also *ibid.,* Aug. 14.

did not exist in fact and that he would not recognize state laws on the subject, on December 7th he made bold to issue a circular in which he stated that enough was known to indicate that the Thirteenth Amendment had been ratified by the required number of states and that slavery was legally extinct. Thus did Palmer in his excessive zeal announce eleven days before the amendment was proclaimed by the Secretary of State that the slaves were free and that "From henceforth colored people will be under the protection of the general laws of the land, and if the owners or operators of boats or railroads shall disregard their undoubted right to travel at pleasure, upon conforming to reasonable regulations, they are advised to apply promptly to the courts for redress."[84] Although the legislature well knew that the day of doom was about to strike, it nevertheless held out to the bitter end. It resented Palmer's officious attempt to usurp the duties of the Secretary of State and asked Governor Bramlette for definite information as to the exact status of the amendment.[85]

The Thirteenth Amendment came and Kentucky was forced to bow to it;[86] but in the meantime this question had been a fruitful source of acrimonious political discussion and a point around which the political elements were breaking and remaking. Soon after the presidential election of 1864, the Lincoln supporters, or Radicals as they soon came to be called, began to plan for greater power and future success. Their first test of strength came in the legislative session of January, 1865. Here defeat and disappointment overtook them in almost every direction. There was not full unity among themselves, and they had no outstanding recognized leaders.[87] Said one supporter, "They unfortunately have no master spirit to lead with in either body. And being in a woeful minority they hesitate to take a manly firm stand upon principle and let policy follow in its wake."[88]

Their first important fight came in the election of a United States senator. Their candidate was General Lovell H. Rousseau,

[84] *Cincinnati Gazette,* Dec. 11, 1865; *Annual Cyclopaedia,* 1865, p. 466.

[85] *Cincinnati Gazette,* Dec. 12, 1865.

[86] In some places there was tenacious opposition to what was an accomplished fact. In some of the southern counties there were threats of resistence to the Amendment; it was illegal and against the spirit of the Constitution. *Ibid.,* Dec. 30, 1865; Jan. 6, 1866.

[87] *Breckinridge MSS.,* 1865. "Their folly and ingratitude merit such results as seem to be apprehended by them." George Morrison to R. J. Breckinridge, Jan. 17, 1865.

[88] *Ibid.* J. H. G. Bush to George Morrison, Jan. 16, 1865.

who had a brilliant war record, and who was now a strong opponent of slavery.[89] James Guthrie was the candidate of the Conservatives. Rousseau received a surprisingly large vote; but Guthrie won 65 to 56.[90] This election took place in January, 1865. "If he were not the Democratic Senator from Kentucky," observed the *Cincinnati Gazette* reporter, "we would say we wished him long life; but as it is, we fear many Union men will fervently pray that as he has already run his three score years and ten he will soon be gathered to his fathers, and his place left vacant for other aspirants to battle for."[91]

But the most disappointing and stinging defeat suffered by the Radicals during the early period of their existence was Lincoln's removal of Burbridge from the command in Kentucky, at the behest of the Conservatives and strikingly against their own wishes. "He did desert his friends," said one Radical, "yes sir, he betrayed them in a way that reflects neither honor upon his fidelity to his friends nor gives them confidence in any promise he may make in the future."[92] The Radicals felt the keenest biting ingratitude in this move. Lincoln had heard his enemies and been deaf to his friends. "Most assuredly this is most excellent treatment. It is a magnificent reward to that party for its devotion to the policy of the administration."[93] They felt lonely and deserted in the midst of their enemies and "betrayed" by their supposed friend. But they were not despondent. They would continue the fight alone; "And if we are but true to ourselves, in spite of Presidents and Major-Generals, and the favorites of the President, we will win the day and yet sit down to enjoy the victory of freedom in our beloved old Kentucky homes."[94] To add insult to disappointment and ingratitude, Lincoln had filled the Federal offices with their enemies. "I have reason to believe in our State," said one, "a large portion of the Federal patronage has been given to men who usually voted *yea* but were constantly complaining of the Administration. Stabbing their bleeding country afresh at every corner,

[89] *Cincinnati Gazette,* Jan. 7, 1865. C. F. Burnham was also an aspirant, but he was eliminated in a caucus. *Ibid.,* Jan. 14. This election was to provide a successor to Lazarus W. Powell, whose term expired on the approaching March 4th. See *Danville Quarterly Review,* IV, 402-404.

[90] *Cincinnati Gazette,* Jan. 12, 1865. The vote stood; house 45 to 44 for Guthrie; senate, 20 to 12.

[91] Jan. 14, 1865.

[92] *Cincinnati Gazette,* March 8, 1865.

[93] *Ibid.,* Feb. 22. See also *ibid.,* Feb. 16.

[94] *Ibid.,* March 10.

and ready at all times to give comfort and consolation to the enemy."[95]

The party had formally organized in a convention in Frankfort, January 4th, where General Thomas, General Burbridge, and other military officers were present.[96] Under the panoply of this military glory the party could not do otherwise than agree with the military régime. They strongly opposed slavery and stood for the repeal of the slave code.[97] As Bramlette advocated the ratification of the Thirteenth Amendment and worked hard to influence the legislature, the Radicals began to lay claim to him as one of their own.[98] In his message to the legislature in January he had rejoiced over the victories of Sherman's march through Georgia;[99] and in a letter to Lincoln a few days later he had said that it was his "desire to have a Union of all in Kentucky in support of the Government, and to aid in carrying out the administration measures."[100] They seemed to see a split between the Governor and his party,[101] and some were in for joining forces with the stronger Union element of the Conservatives.[102]

Another good omen for the Radicals, that did much to take the sting of defeat and disappointment out of Lincoln's removal of Burbridge, was the good relations that immediately grew up between them and Palmer. The new commander had scarcely arrived before he had established himself in the good graces of Robert J. Breckinridge, the biggest man in the Radical Party. "I at once anticipated that I would meet you," wrote Palmer to Breckinridge, "and find many occasions for calling upon you for your advice and assistance in administering the military affairs of the State."[103]

[95] *Holt MSS.*, L, 6656. J. H. Reno to Holt, Oct. 17, 1865.

[96] For the call for this meeting see *Breckinridge MSS.*, 1865. Dec. 1. See also Collins, *Kentucky*, I, 151.

[97] *Cincinnati Gazette*, Jan. 6, 9, 1865. On the military regime the Radical *Semi-Weekly Commonwealth* commented (Jan. 10, 1865): "To it, however they have submitted quietly, and will submit, if such policy is deemed necessary by the Administration for the suppression of the rebellion."

[98] *Semi-Weekly Commonwealth*, 1865, *passim*.

[99] *Kentucky Senate Journal*, 1865, p. 8; *Lexington Observer and Reporter*, Jan. 28, 1865. The *Louisville Journal* said this message breathed "the spirit of fervent devotion of the Union." Quoted in *Cincinnati Gazette*, Jan. 10, 1865. The *Gazette* saw rather the complaining attitude in it and declared there was not a "sentence in it to send a warm grateful thrill through a loyal heart." *Ibid.*

[100] *Ibid.*, Jan. 11, 1865.

[101] *Ibid.*, March 7.

[102] *Ibid.*, May 4.

[103] *Breckinridge MSS.*, 1865. Feb. 25.

As has already appeared, he set to work to root out slavery by foul means or fair, and soon so endeared himself to the Radicals that they forgot all about Lincoln's removal of Burbridge except to rejoice that they had sent them Palmer. Palmer became a good party man and used all his influence military and otherwise for the success of the Radical Party.[104] An overjoyed Radical exclaimed, "You have exchanged a Kentucky Radical for a Northern Republican—one of the genuine abolitionists. We wish you joy of your bargain and hope that you will soon send another committee to Washington. The State can afford to pay $750 every few months for men who seem as determined as General Palmer to make it a free State."[105]

The Conservatives, who had held out such high hopes in the exchange, were naturally grievously disappointed and chagrined and soon set up a chorus for his removal which was, however, long to be denied them. The Conservatives in fact were composed of the great substantial part of Kentucky citizenry—those who had voted for McClellan in 1864, and therefore all the Democrats and Southern sympathizers. They were often referred to as the "tobacco growing Conservatives."[106] The Democrats had become the dominant element, but the term Conservative was the commonly accepted designation.[107]

After Lee surrendered at Appomattox this party found itself heir to all the Confederate soldiers drifting back and to all others who had found it convenient to leave the state and not return until now. With the end of the war, the question immediately arose whether men from loyal states, who had enlisted in the Confederate army could return to their homes, even though they had been given their parole. Attorney-General Speed, a Kentuckian, unrelenting in the hour of triumph, held that a parole gave them no such permission and as for wearing their gray uniforms, they might as well "bear a traitor's flag through a loyal city as to wear a traitor's garb."[108] Various Kentuckians were making overtures to Palmer on the question of their return, and more magnanimous than the Attorney-General, he allowed it, if each should

[104] *Lexington Observer and Reporter,* Aug. 2, 1865; *Cincinnati Gazette,* March 18, 1865.

[105] *Ibid.,* March 30, 1865.

[106] *Ibid.,* March 7. See also *ibid.,* April 27.

[107] *Louisville Journal,* June 5, 1867.

[108] E. P. Oberholtzer, *A History of the United States Since the Civil War* (New York, 1917), I, 7; *Annual Cyclopaedia,* 1865, p. 461.

make a personal surrender, giving up his arms and horse, and duly registering his name.[109] He would also have no senseless arrests. This power should "be sparingly exercised"; there was "no dignity or justice in pursuing foolish people for foolish words."[110] Thus were the gates opened, and soon the Kentucky Confederates were drifting back in large numbers.

They were variously received, but the general sentiment was of gladness and marked cordiality. According to one view, "instead of coming home to be disciplined, the Southern soldier was received with open arms, and by none more cordially than by the Union soldier."[111] Shaler said that "We search in vain for any evidence of hatred or even dislike among these men who were so lately in arms against each other. In all the walks of life, in the courts and in the legislature, as well as in the relations of kindred, we find these old enemies going together to their work of repairing the ruin that war had brought on the State."[112] These statements are true taken at exactly their wording; but if it should be implied that there was no bitterness anywhere and that the state set out on a perfectly peaceful course of development, no greater mistake could be made. The ones who did the actual fighting here as elsewhere fought their future battles only in friendly reminiscences, unless, indeed, politics entered, and then there was bitter warfare and no quarter given. In fact, as will amply appear later, the peace that came to Kentucky socially, politically, religiously, and economically was the peace of the erstwhile vanquished over the victor. It was the peace that existed between the frog and the snake which had swallowed it. The unanimity that the state tended to approach at times was due to the fact that nearly all had come to agree with the Confederates and Democrats and had become a part of them. There can always be peace where there is no antagonist.

There can be no question that the first general impulse of the state on the Confederate's return was to lionize him.[113] Two months after the war was over a former Confederate said "Our treatment by the Union men of this country has been very kind and courteous" and that he was in business with a former

[109] Collins, *Kentucky*, I, 158.
[110] *Annual Cyclopaedia*, 1865, p. 461; Collins, *Kentucky*, I, 159.
[111] *The South in the Building of the Nation*, I, 299.
[112] Shaler, *Kentucky*, 387.
[113] *Cincinnati Gazette*, May 16, 1865.

Federal officer.[114] Another did not believe that "our Southern proclivities and experiences will be a drawback, but rather a recommendation, among the best class of business men" in Louisville.[115] Another returned Confederate found life pleasant enough but he suspected the postmaster of delaying the mail of the officers of the "lost cause."[116] War experiences were a fortunate heritage which should not be lost or allowed to grow dim. Two months after Appomattox, romance had set in to mellow and endear. "I light my pipe now and as the smoke goes up the days of olden time come to me"—thus did one Confederate begin his reminiscences to another, speaking of many comrades and inquiring of others.[117] Confederate soldiers began photograph albums and would be satisfied only when they had filled them with pictures of their wartime comrades.[118] Confederate picnics were held, at which none except the wearers of the gray were welcomed. One was held in Henry County on June 17th, where fifty were present.[119]

It seemed that the Fourth of July this year was not greatly esteemed, as one Union patriot plaintively asked, "Where are our liberty poles, where are our fireworks, the ringing bells, and the loud resounding report of cannon?" "As hushed and as quiet as the midnight hour," he answered.[120] Perhaps one reason why the Fourth of July was not so fervently celebrated, at least in Clarke County, was due to the fact that the Confederates were preparing to celebrate the Fifth, for was it not on this day two years previously that intrepid John Morgan had swooped down on Lebanon and destroyed $100,000 worth of Federal stores? Federal troops were sent to see to it that no such celebration be held.[121] Confederates were soon back in control of the jockey clubs of the Blue Grass, though not turning out the Union officers in Lexington as was charged; and erstwhile Confederate generals now became racing judges.[122] Lexington had welcomed back the Con-

[114] *Breckinridge MSS.,* 1865. J. M. Hines to W. C. P. Breckinridge, June 27.

[115] *Breckinridge MSS.,* 1865. Thomas W. Bullitt to W. C. P. Breckinridge, Oct. 6.

[116] *Ibid.* W. W. Goddard to W. C. P. Breckinridge, Sept. 27.

[117] *Ibid.* Will F. Bell to W. C. P. Breckinridge, June 28.

[118] *Ibid.* For example, J. M. Harris to W. C. P. Breckinridge, June 27.

[119] *Ibid.* J. F. Smith to W. C. P. Breckinridge, June 15, *passim.*

[120] *Cincinnati Gazette,* July 6, 1865.

[121] *Ibid.*

[122] *Ibid.,* Oct. 17, for the charge; *Lexington Observer and Reporter.* Oct. 21, 1865, for the answer.

federates in approved fashion; but, according to the *Cincinnati Gazette* correspondent, "If any one wishes to see a rebel city, let him come to Louisville. . . ." Here pictures of Lee and Jackson adorned every show window, whether business house or hotel, and they were hawked about the streets everywhere; one looked in vain for a likeness of Lincoln, Grant or Thomas.[123]

What happened to the Union soldier on his return? Little was said or done, for after all had he not fought for a cause that had already caused the state much suffering and many indignities? This "truckling to the rebels" was not in good standing, however, with some people—and especially with the Radical politicians. The mountain men in some parts of eastern Kentucky refused to respect parole or amnesty; in some places "returning rebels" were given twenty-four hours to leave.[124] A Louisville Radical said in early May that the "State, one of the last into which the parolled rebels should be permitted to come loosely and indiscriminately, is being rapidly filled with all the debris of rebellion."[125] According to the views of another, "Rebellion has to some extent at least been at a premium and still is so." This was "not as it should be," he thought.[126] The Radical politicians too well sensed the dangers of receiving back those active men who had left the state to join the Confederacy; they would be as dangerous in politics as they had been in war. "Never again should the soil of Kentucky be polluted by those vile traitors. Buckner, Breckinridge, Preston, Hawes, Williams, Marshall, Smith, Bruce, Burnett, Simms and others. . . . Them Kentucky cannot and will not forgive, until treason becomes a virtue and traitors respectable." Thus thought the Radicals.[127] Those Confederates allowed to return should be disfranchised, so that they might never rule the state again, and the leaders should be kept out altogether.[128] An Iowa politician, J. A. Kasson, speaking in Lexington in July, would disfranchise every rebel and would rather ten thousand times see a negro vote than one of them. Francis P. Blair at the same time would have clemency for all except the main leaders and those "too dangerous to go at large."[129]

[123] *Cincinnati Gazette,* Feb. 19, 1866.
[124] *Ibid.,* June 2, 1865.
[125] *Holt MSS.,* XLVII, 6881. T. S. Bell to Holt, May 8, 1865.
[126] *Ibid.,* 6307. J. R. Bailey to Holt, May 17, 1865.
[127] *Cincinnati Gazette,* April 21, 1865.
[128] *Ibid.,* May 4.
[129] *Ibid.,* July 12.

Plans were soon a-making for the August election, when Congressmen and most state officers except the governor, were to be chosen. The Conservatives with the strong Democratic support and their Southern leanings generally, were soon hand in glove with the returned Confederates. Most of their candidates were antebellum Democrats or lukewarm Unionists, with a sprinkling of returned Confederates.[130] Palmer claimed that some of the bitterest "stay-at-home rebels" were being run for office in Hancock, Harrison, Henderson, and other counties.[131] A Radical leader said, "We have among us a set of tricky politicians, known as Conservative Union Men; who would sell their country for an office. These men are courting and being courted by rebel-sympathizers, guerillas, copperheads, and all of that class, who have opposed the government in all of its measures to suppress the rebellion, and united will form the ruling party in the state."[132] He greatly feared this combination as did other Radicals—and wisely so. The specific component parts of this party were given by the *Semi-Weekly Commonwealth* as follows: "Returned traitors and rebels"; "sympathizers with the rebellion, those traitors who stayed at home"; "all that class who have opposed the war for the Union and who have denounced all the war measures of the Administration as tyrannical and unconstitutional"; and "the no-more-men-or-money party, those at Chicago who pronounced the war a failure."[133]

The Radicals were, nevertheless, not disheartened. They immediately set to work to secure what they considered to be the legitimate and logical fruits of military victory, political supremacy in the state. To begin with, they needed newspaper support, little of which they could command at this time. A circular letter was sent out soliciting funds to set up a Radical paper at Lebanon;[134] the editor of the *Union Press,* a Louisville daily, should be given a Federal appointment to make it possible for him to keep his paper going[135]—and the most logical position would be the postmastership.[136] A convention was held in Frankfort in May to nominate officers;[137] and soon a round of party meetings spread

[130] *Cincinnati Gazette,* June 28, Dec. 28, 1865.
[131] *Ibid.,* Aug. 2.
[132] *Holt MSS.,* XLVII, 6261. J. W. Kincheloe to Holt, May 1, 1865.
[133] June 27, 1865.
[134] *Breckinridge MSS.,* 1865. One preserved here.
[135] *Holt MSS.,* XLVIII, 6462. L. M. Sherley to Holt, July 7, 1865.
[136] *Ibid.,* 6468. L. A. Cavill to Holt, July 8, 1865.
[137] *Lexington Observer and Reporter,* May 27, 1865.

over the state for county officers. Great activity was being shown.[138] Barbecues spread their aromas over many countrysides, drawing in the populace to be duly instructed in Radical tenets and to be fed roast beef and roast pork.[139] The campaign waxed hot with much boisterousness and rowdyism prevailing.[140] Governor Wright and other outside leaders came in to lend a hand.[141] Occasion was taken to capitalize Fourth of July patriotism by "the friends of the Union and the Constitution" by rehoisting "the National flag, which was torn down and trampled under foot by the invading army of Bragg, in 1862, over the grave of the gallant Nelson. . . ."[142] They attempted to rally all non-slaveholders to their standard by claiming that 108,000 whites in a mountain congressional district had no more power than 86,000 whites, chiefly slaveowners and Conservatives in the Blue Grass region. The discrepancy was due to the fact that slaves were given three-fifths representation but no right to vote.[143]

The chief issues of the campaign were the Thirteenth Amendment and the right of returned Confederates. The legislature had refused to ratify the amendment, as previously noted; but now the people would take the question in their own hands in the election of a new legislature. To "exterminate guerillas, show no favors to rebels, rid the state of slavery, and show favors to those who are strictly and truly loyal alone"—these were the aims of the party, said a Radical.[144] The Radical convention pledged the party "to the earnest and unceasing support" of the Thirteenth Amendment and opposition to removing Confederate disabilities.[145]

The campaign centered for the most part around the slavery issue with both parties somewhat divided on the subject.[146] John J. Speed, the Louisville postmaster, was too much of a rebel to

[138] *Cincinnati Gazette,* April 21, June, 1865, *passim.*
[139] *Ibid.,* Aug. 5.
[140] *Ibid.,* July 29.
[141] *Ibid.,* April 18.
[142] *Breckinridge MSS.,* 1865. Circular letter preserved here.
[143] *Cincinnati Gazette,* July 19, 1865.
[144] *Ibid.,* Feb. 23, 1865.
[145] *Ibid.,* May 26.
[146] The newspapers were much more evenly divided than was generally the case on important public questions. For the amendment were: *Louisville Journal, Union Press* (Louisville), *Frankfort Commonwealth, Lexington National Unionist, Newport Free South, Richmond Messenger, Danville Gazette, Maysville Home Guard, Lebanon Kentuckian,* and *Paducah Federal Union.* Among those against were: *Louisville Democrat, Lexington Observer and Reporter, Maysville Eagle, Owensboro Monitor, Henderson Reporter,* and *Danville Conservative.*

suit some of his Radical colleagues who thirsted for his position.[147] There were others who approached rebel proportions by not arguing with sufficient heat for the abolition of slavery. The greater rift was in the Conservative party where Bramlette as well as Magoffin stood for ratification and stumped the state for it.[148] James Guthrie also supported it;[149] but these Conservatives made little headway in convincing their party. They afforded much comfort to the Radicals, who professed to see the disruption of the Conservatives in these disagreements.

The Radicals could point to conditions staring all in the face and proclaim them to be argument sufficient and irrefutable.[150] Reiterating his arguments to the legislature when the Thirteenth Amendment was before it, Bramlette declared the labor system "broken up and utterly demoralized" and that slavery was "an incubus upon our energies, a burden to our advancement, and a negative to our prosperity."[151] This condition was driving the best class of laborers from the state, and thereby intensifying the labor shortage.[152] The Conservatives pushed the issue and called up various points to drive home. They told the workmen that if slavery were abolished Kentucky would become the haven of free negroes, who would take their jobs, and wages would almost vanish. A couplet from a reputed song ran:

> "They're coming, Kentucky working men,
> "Six Hundred Million strong."[153]

The warning was repeated that freedom for the negro would soon elevate him to equality with the whites, and the next demands would be to give him the right to marry whites and to vote.[154] John M. Harlan, who was now a Conservative, said that he was against the Thirteenth Amendment on principle and that "if there were not a dozen slaves in Kentucky" he would oppose it.[155] It should not be ratified for it was "a flagrant invasion of the right of self government"; the state should show that it was still master

[147] *Holt MSS.*, XLVIII, 6464. Speed to Holt, July 7, 1865.
[148] *Lexington Observer and Reporter,* July 1, 1865; *Cincinnati Gazette,* June 5, 7, 1865.
[149] *Ibid.,* March 30.
[150] *Breckinridge MSS.,* 1865.
[151] *Lexington Observer and Reporter,* April 29, 1865. Letter to Brisbin, April 22.
[152] *Cincinnati Gazette,* July 1, 1865. Speech at Louisville, May 30.
[153] *Semi-Weekly Commonwealth,* July 21, 1865.
[154] *Ibid., passim; Cincinnati Gazette,* July 28, 1865.
[155] *Cincinnati Gazette,* Aug. 2, 1865.

in its own household.[156] It would be against solemn promises made to Kentucky slaveholders; it would legalize a wrong. An address was issued to the people embodying most of the arguments of the day, signed by the Conservative members of the old legislature.[157]

As the day of election drew near, the part to be played by the Confederate element loomed into great importance. Many of them would no doubt attempt to vote, emboldened as they had been by the demands of the Conservatives for the repeal of the expatriation act.[158] To guard this election properly, Bramlette issued on July 19th a proclamation quoting the expatriation act and warning all who came under its provisions to make no attempt to vote. Any one challenged on this point was required to take an oath that he had not opposed Kentucky either in a civil or military capacity since April 10, 1862, and that he had "not given directly or indirectly voluntary aid and assistance" to the enemies of the state and nation.[159] The names of persons who were held to come under this ban were to be given to the officers of election in each precinct.[160] Bramlette said plain words were needed and had been used so that none might think they could disregard with impunity the laws to keep the elections pure. Many held that he was unduly severe and that he had required a much stricter oath than had been required in former elections.[161]

The Radicals looked with great favor on this move by Bramlette. The scenes were becoming brighter for them as the day of election approached. They felt that they possessed even a greater tower of strength in Palmer and his military establishment. The commanding general had by this time thoroughly identified himself with the Radicals, and had virtually assumed a military guardianship over the party. He definitely promised them military protection whenever desired, and gently hinted that "once in a while the public safety is the law," and that one might success-

[156] *Cincinnati Gazette,* July 7, 1865.

[157] *Lexington Observer and Reporter,* July 5, 1865; *Cincinnati Gazette,* July 4, 1865. In noting the names signed to this address a Radical said, "How is it that old Whigs . . . can change to the side of the Democrats, and adopt opinions which they have opposed all their lives. . . ." *Ibid.,* May 26, June 2, 1865; *Lexington Observer and Reporter,* March 29, May 31, 1865.

[158] *Cincinnati Gazette,* July 11, 1865.

[159] *Annual Cyclopaedia,* 1865, pp. 464, 465; *Semi Weekly Commonwealth,* July 21, 1865; *Cincinnati Gazette,* July 22, 1865; Collins, *Kentucky,* I, 162, 163.

[160] *Semi-Weekly Commonwealth,* Aug. 4, 1865.

[161] *Lexington Observer and Reporter,* Aug. 2 *et seq.,* 1865.

fully ignore written laws if one were powerful enough.[162] He actually took the stump for the Radicals, speaking at Lexington, Richmond, and at other places, bitterly arraigning the Confederates and declaring that they should have the right to vote only when they could show they had been patriots as long as they had been traitors.[163]

He was definitely resolved that the Radicals should not lose the election by the votes of anyone on whom there should be the slightest suspicion. To secure this result he issued on July 26th a general order laying down the rules he intended to enforce, at the point of the bayonet if necessary. Those who should not vote were: "Rebel soldiers" regardless of their present status; all guerillas and unorganized fighters; "all persons who, by act or word, directly or indirectly, gave aid, comfort, or encouragement to persons in rebellion"; deserters from the Federal army; and the civil officers of the Confederacy or Provisional government of Kentucky. Any person coming within any of these classes, attempting to vote, should be arrested and held for military trial.[164] The third class could be almost indefinitely extended, and it was announced that the following persons should be included: Those who displayed Confederate flags or assisted; or who cheered for a Confederate leader; or rejoiced at Confederate victories; or voluntarily sent food to Confederates; or invited them to their homes; or advocated the claims of the Confederacy publicly and wanted it recognized; or hoped New York, Cincinnati, Philadelphia, Washington, or any other loyal city would be captured; or condemned the National government for suppressing the rebellion; or persuaded Union soldiers to desert.[165]

The Radicals were highly elated over Palmer's activities. Said one, "He ought to add to his instructions this fourth clause: Shoot them right on the spot. We believe the prospect is decidedly cheering. If Union men will work; if all those who do not intend to be run over by returned rebels will stand firmly together, we will win a signal victory over the allies of the rebels, the Con-

[162] *Annual Cyclopaedia,* 1865, pp. 463, 464. Speech to Union convention, May 23. See also *Lexington Observer and Reporter,* May 27, 1865; *Cincinnati Gazette,* May 25, 1865.

[163] *Ibid.,* Aug. 2, 4.

[164] *Annual Cyclopaedia,* 1865, p. 464; *Official Records,* ser. I, vol. 49, part 2, p. 1092.

[165] *Cincinnati Gazette,* Aug. 4, 1865.

servatives, and our State will be redeemed."[166] However pleasant the prospect was to Radicals, the situation was becoming quite menacing in the eyes of the Conservatives. They attempted to have President Johnson revoke Palmer's orders, but he did not see fit to interfere.[167] Bramlette, who had likely made his proclamation severer than usual in order to forestall the military, was now quite upset. On election day he sent a telegram to all election officials stating that they should be "wholly free from any military dictation or menace." The military had no right to interfere unless called on, and to do so otherwise was a violation of both state and federal law. If the military should interfere, he advised that no election be held. "It should be free and according to law or not at all," he declared.[168]

The Radicals seemed to feel that their future existence depended on the outcome. If the Conservatives should win, the negroes would be more securely enslaved, and the Union men would be proscribed and driven from the state.[169] Kentucky's neighbors looked on with unconcealed interest. The *Cincinnati Gazette* said that "the election next Monday is to decide between peace and tranquility in the State, or the continuance and increase of the agitation and disturbance which is destroying the prosperity and peace of the people and preventing the establishment of tranquility in the nation."[170]

The election was held on August 7th, and the Conservatives won generally, by close majorities. The legislature was secured but with few votes to spare in the senate.[171] Five of the nine congressmen were captured by the Conservatives, and the treasurer was theirs by a majority of only 105 votes in a total vote of 84,269. A larger vote as well as a greater total majority for the Conservatives was cast for congressmen. Here the Conservatives polled 57,502 to 54,008 for the Radicals.

[166] *Cincinnati Gazette,* July 24, 1865.

[167] *Ibid.,* Aug. 4.

[168] *Ibid.,* Aug. 9.

[169] *Ibid.,* Aug. 4.

[170] *Ibid.,* Aug. 4, 1865.

[171] The vote in the house was variously given as 58 Conservatives and 42 Radicals, and 60 and 40. A greater discrepancy was shown in the various alignments given for the senate: 19 to 19, 18 to 18, 20 to 18, and 21 to 17. *Tribune Almanac,* 1866, pp. 59, 60; *Annual Cyclopaedia,* 1865, p. 465; *Cincinnati Gazette,* Aug. 15, 30, 1865; Battle, Perrin, and Kniffin, *Kentucky,* 473, 474; Smith, *Kentucky,* 773; Collins, *Kentucky,* I, 163. The real test came in the actual voting and here on the repeal of the expatriation act, the vote stood in the house 62 to 33 and in the senate 22 to 12. Shaler, *Kentucky,* 367.

This vote was slightly larger than the presidential vote in 1864, for congressmen and about the same for state treasurer. As there were 180,000 white males over 21 years of age in the state, it is seen that about half voted in this election.[172] The Radicals immediately charged that returned rebels had voted and had turned the scales against them.[173] The more conservative among the Radicals, however, were inclined to admit that the "war rebels" had kept away from the polls and that it was "stay-at-home rebels" who had carried the day.[174] It was stated in the *Louisville Journal* that "certainly some of the bitterest and boldest, or rather most audacious, of all the rebels and rebel sympathizers in the State, have been elected to the Legislature by large majorities—elected not *in spite* of *their* being rebels, but *for the reason* that they are so."[175] The statistics of elections before the repeal of the expatriation act and after show conclusively that few returned Confederates could have voted.

In fact the great storm of complaint was to come up from the Conservatives. The military authorities had acted outrageously; they had assumed control of the election, as if it were wholly an affair of the army, and had assumed to decide who should vote and who should not.[176] Soldiers were stationed around the polls, and at many places they were negroes, holding lists of names of people whom some Radicals thought should not vote. If such a proscribed person attempted to approach the polls he was pointed out to a soldier and jostled off to prison.[177] Eight self-appointed censors of patriotism handed to the lieutenant in command at Winchester a list containing 124 names of people they held should not vote. None of these were permitted to approach the ballot box; and in protest the election was called off at this place. It appeared that none was a returned Confederate, but that all were simply people who were opposed to the Thirteenth Amendment.[178] In Campbell and Kenton counties "many of the best Union men did

[172] *Lexington Observer and Reporter,* 1865.

[173] *Semi-Weekly Commonwealth,* Aug. 11, 1865; *Cincinnati Gazette,* Aug. 9, 1865.

[174] *Ibid.,* Aug. 15.

[175] Quoted in *ibid.,* Aug. 11, 1865.

[176] The Kentucky papers that made the loudest complaint were the *Louisville Democrat,* the *Lexington Observer and Reporter,* and the *Maysville Eagle.*

[177] This was flagrantly true in Lexington. Collins, *Kentucky,* I, 163.

[178] *Lexington Observer and Reporter,* Aug. 19, 1865.

not go near the polls, scorning to cast a vote under military surveillance."[179] Here the election was declared void and the offices vacant.[180] In Clarke County, 82 were proscribed in the Germantown precinct, 56 in Gorde's precinct, about 100 in the Princeton precinct, and 59 in Blue Ball precinct—and so the story went.[181]

The interference of Palmer had been so outrageous and unwarranted that it called down the condemnation of many beyond the limits of the state. The *Cincinnati Commercial,* which could boast of no sympathy for Kentucky Conservatives, said, "It is not becoming that a file of soldiers shall stand before the polls, and that officers of the army of the United States shall hold lists of those who are proscribed, made out by irresponsible persons, and prevent them from approaching the ballot-box. That this was done in Kentucky, there is ample and conclusive evidence; and the flavor of this business is too near that of the border ruffian outrages in Kansas, to permit it to be passed in silence by any honest journalist."[182] The *New York Herald* declared that all accounts agreed "that the military under the command of General Palmer, committed high-handed outrages, and if continued elsewhere, would seriously affect the rights and liberties of the people."[183]

Palmer had squarely violated the act of Congress of February 25, 1865, forbidding military interference with elections,[184] as well as state laws on civil liberty. Indictments were soon flying thick and fast. The grand jury in Fayette County reported five indictments for election interferences, which Judge W. C. Goodloe, however, immediately dismissed.[185] In Harrison County as well as in Campbell County, judges were not so quick to interfere. Indictments were heard and judgments for damages obtained ranging from $500 to $5000. In some instances where the fines were not paid the defendants were thrown into jail.[186] Hundreds of indictments were secured over the state but most of them were

[179] *Cincinnati Commercial,* quoted in *Annual Cyclopaedia,* 1865, p. 465.
[180] Collins, *Kentucky,* I, 163.
[181] *Lexington Observer and Reporter,* Dec. 23, 1865.
[182] Quoted in *Annual Cyclopædia,* 1865, p. 465. See also *Cincinnati Gazette,* Aug. 15, 1865.
[183] Quoted in *Lexington Observer and Reporter,* Aug. 23, 1865.
[184] *Ibid.,* Aug. 19, 1865.
[185] Collins, *Kentucky,* 163.
[186] *Ibid.,* 165; Smith *Kentucky,* 773, 774.

not pushed.[187] Even Governor Bramlette was indicted for inciting military interference by his election proclamation.[188]

When the legislature met it took note of the outrages that had been perpetrated in its election and proceeded to purge its membership by ousting some and seating their opponents in some cases and ordering new elections in others. A. S. Allen from Clarke County was unseated in the senate and a new election ordered. Harrison Thompson was elected.[189] The Radical senator from Kenton County was ousted and his contesting opponent, John G. Carlisle, now entering upon a notable career, was seated in his stead.[190] No less than four seats were declared vacant in the senate and eight in the house, and new elections ordered, and in practically every instance the Conservatives won.[191] Additional legislation was passed against military interference, making such elections invalid where soldiers assumed control.[192]

The reasonable and sober-minded Radicals began to cast about after the election was over to take note of the results and size up their present situation and future outlook. The solemn fact was that the victors on the battlefield had been vanquished at the ballot-box. Was this as it should be? They thought not. For so serious a discrepancy between what was and what ought to have been, there must be some important reasons. Much of the trouble could be summed up in military despotism. Palmer had run rough shod over Kentucky as if it had fewer rights than the conquered South, handing out free passes to slaves and violating its laws in a hundred other ways. "General Palmer has already cost the Union party 10,000 votes in this State," said one sober Radical, "and the way he is allowing his negro troops and their officers to demean themselves, he will cost it its existence, unless that party denounce him and his policy and demand his removal."[193] It was felt that the negro question in its various ramifications had cost the party

[187] *Annual Cyclopædia,* 1865, p. 465. See also *Cincinnati Gazette,* Dec. 7, 1865.

[188] *Semi-Weekly Commonwealth,* Sept. 12, 1865; *Cincinnati Gazette,* Sept. 14, 1865; Collins, *Kentucky,* I, 163.

[189] *Lexington Observer and Reporter,* Dec. 23, 1865; Collins, *Kentucky,* II, 130.

[190] *Cincinnati Gazette,* Jan. 27, 1866; Collins, *Kentucky,* II, 421.

[191] *Lexington Observer and Reporter,* Jan. 31, *passim,* 1866; *Cincinnati Gazette,* Jan. 26, 1866; Smith *Kentucky,* 774.

[192] *Cincinnati Gazette,* Dec. 7, 1865; Collins, *Kentucky,* I, 169.

[193] *Cincinnati Gazette,* Sept. 15, 1865.

dearly. Abolition was too closely akin to negro suffrage and negro equality to suit Kentuckians; and negro troops encamped over the state, and especially the travesty of having them to preserve the purity of the ballot-box, caused a serious reaction.[194] The fight was now on between those who assumed to hold high the traditions of Federal service for the past four years and who would reap the benefits and results of the war and those who had helped to make the glory of a lost cause and who intended to perpetuate its memory. The war after the war had now started.

[194] *Cincinnati Gazette,* Aug. 9, 1865.

CHAPTER XIV

CONFEDERATE SUPREMACY

Ancient traditions and former connections were soon unmistakeably turning the state back into her old attitude of mind and away from the strange associations of the past four years. In this movement there were almost unconsciously carried along many Unionists, soldiers and civilians, who felt uncomfortable when allied with Northern thought and politics. This trend naturally played into the hands and plans of the Confederates, who seized the leadership and went forward at times with more vigor than tact.

When Lee assumed the presidency of Washington College, a campaign was started through the old Confederacy to raise money to erect a home for him. A ready response was shown in Kentucky where the women set to work.[1] There was no reason why Confederates should not act together and why their traditions should not be preserved. Said a Lexington editor, "Kentucky had many brave sons in the Confederate army, and when the bitterness, hatred and anger of the contest of the day are gone, and with them the generation which acted and witnessed all this have passed away, the new generation will read with equal interest and admiration of those who shed glory upon her name, whether they fought in grey, or wore the blue."[2]

Much had to be done before the Confederate element could reach a position where it could effectively assume control, and in the process of reaching this point the Conservatives freely gave their aid and in fact led the fight, for it was their battle almost as much as it was the Confederates'. The bans and bars of wartime were now no longer needed and some of them were positively a bane to the welfare and peace of mind of the people generally. Martial law had held the people in thraldom since July, 1864. When Lee surrendered, it was natural to believe that this trapping would go, but Kentuckians were doomed to disappointment. No

[1] *Breckinridge MSS.*, 1866.

[2] *Lexington Observer and Reporter*, Sept. 19, 1866.

change came as time went on; in June the legislature condemned it by big majorities and demanded its revocation;[3] yet nothing happened. Private persons and commissions went to Washington without avail. Finally in early October, President Johnson promised General Rousseau that he had slated martial law to go,[4] and on October 12th (1865) he made good his word.[5]

This news was received with widespread joy. Some had almost despaired of full liberty again, but now it seemed to be at hand. Said one, "Four years of miserable bondage have taught them its value, and prepared them to enjoy it."[6] The leaders of the Radical minority could see nothing but ruin in store for them. They had long opposed the revocation of martial law, leaning heavily, as they were, on the military authorities for political support, and they had sought to control the Federal administration in this respect.[7] To them this was another act of betrayal and abandonment. "It is not merely another triumph of rebels over loyal men," said one Radical, "but it is a blow from the Administration stunning in its present effect, and fills the mind with dismal forebodings for the future." "Why is it," he impatiently asked, "that the Administration at Washington has such a peculiar love for Kentucky rebels and so little confidence in loyal Kentuckians?"[8] Outside observers such as the editor of the *Cincinnati Gazette* became indignant. The latter said, "Union men, in a large portion of the State, may now as well pack their baggage and leave, if they would save their lives."[9]

Another derelict of wartime was the suspension of the writ of *habeas corpus*. There was little gain in the revocation of martial law as long as this valuable writ remained beyond reach. The situation became more unbearable when in November it was restored in all the loyal states including the border, excepting only Kentucky.[10] The legislature passed resolutions without avail against this injustice.[11] There was a feeling among some people that the Federal government was holding this as a club over the

[3] *Acts of Kentucky,* 1865, p. 162; *Cincinnati Gazette,* June 2, 5, 1865. The vote in the senate was 24 to 4; in the house, 46 to 31.

[4] *Ibid.,* Oct. 11.

[5] *Annual Cyclopaedia,* 1865, p. 466; Collins, *Kentucky,* I, 164.

[6] *Lexington Observer and Reporter,* Oct. 14, 1865.

[7] See *Semi-Weekly Commonwealth, passim,* 1865.

[8] *Cincinnati Gazette,* Oct. 17, 1865.

[9] Oct. 13, 1865.

[10] Collins, *Kentucky,* I, 165.

[11] *Cincinnati Gazette,* Dec. 19, 1865.

state to force her to ratify the Thirteenth Amendment;[12] and its partial application was deeply resented.[13] Eventually the writ was restored, and with previous revocation of martial law, the Confederates and the great mass of Conservatives found themselves two steps closer to a normal existence.

The Federal government was yet responsible for other war rubbish, burdensome and galling. The Freedmen's Bureau was an outstanding complaint and will be treated elsewhere; the head of the military régime, Palmer, deserves attention here. Contrary to first impressions Palmer did not prove a peacemaker and a friend to the typical Kentuckians. His course in dealing with slavery has already been noted and his rising unpopularity seen. His interference with the August (1865) election was too much to be endured; the cry went up that Palmer must go. When his dismissal was not forthcoming the *Louisville Press* declared that the grand jury which had indicted him should also indict the President for upholding him.[14] Governor Bramlette tried to rid the state of him, and so did Green Clay Smith, one of the strongest Unionists in the land.[15] General W. T. Sherman expressed his opposition to Palmer and declared that if it was "monarchy or consolidation we are after, he is right; but if we want to preserve the old form of government, he is all wrong."[16] It was definitely announced in October that Palmer would not be removed, and so the question rested.[17] In the following March (1866), he resigned and was succeeded by Jeff. C. Davis.[18]

These victories won against the Federal government made the position of the Confederates much easier; but the most troublesome disabilities against them were those laws passed by the state during the fervor of war and yet remaining on the statute books. Unless this legislation were repealed, the Confederates would remain disfranchised and deprived of most of their outstanding civil rights. As long as the war continued there was little sentiment in favor of or need of relieving them of their disabilities; but with the coming of peace a new condition arose. In keeping with the general spirit in which the Confederates had been received

[12] *Lexington Observer and Reporter,* Dec. 6, 1865.
[13] *Ibid.,* March 24, 1866.
[14] *Cincinnati Gazette,* Sept. 27, 1865.
[15] *Ibid.,* Oct. 3, 14; *Annual Cyclopaedia,* 1865, p. 465.
[16] Collins, *Kentucky,* I, 165.
[17] *Cincinnati Gazette,* Oct. 23, 24, 1865.
[18] Collins, *Kentucky,* I, 170.

back, it was only natural that a general demand should arise for a removal of all disabilities.

The most sweeping of these laws was the expatriation act, which deprived Confederates of all the rights of citizenship. A modification had been made in 1864, which restored to Confederates who enlisted in the Federal armies before a fixed time, all their rights;[19] but an effort in May, 1865, to make further modifications was voted down.[20] But the mellowing effect of time worked fast. Before the end of the summer Conservatives generally were demanding the restoration of all rights to the Confederates. The belief was coming to be widely held that the expatriation act was unconstitutional,[21] and in early September the judge of the Covington Circuit Court boldly declared it so.[22] By December lawyers who had been heretofore refused the right to practice in the courts were being re-admittd on the grounds that citizenship was not necessary to practice in Kentucky courts.[23] If the large number of Kentuckians who fought in Southern armies were not to be restored to citizenship, an intolerable situation for all alike would grow up, where a valuable and substantial element would be proscribed and disfranchised and driven into the political wilderness away from productive citizenship.[24]

Yet there was another side to the question, which the Radicals were not slow in discovering and arguing. These Confederates had sought to destroy the government they were now seeking to enjoy. They had been traitors to their country; let them suffer and prove an example to others. This soft sentimentalism, which the Conservatives were so apt in pouring out, was too thin to obscure their ultimate purpose. It was political trickery, whereby they expected to form an alliance with the Confederates, secure their votes and entrench themselves in power. In fact the past election (August, 1865) showed that they were in a hard and fast alliance. "The really Union, loyal men of the state," wrote one Radical, "are intensely hated by the combination formed by the rebels & conservatives, and will be persecuted and proscribed, in every possible shape to the extreme limit of safety to the perse-

[19] *Acts of Kentucky,* 1864, p. 113. Feb. 22.

[20] *Cincinnati Gazette,* May 26, 1865; Collins, *Kentucky,* I, 159.

[21] *Cincinnati Gazette,* July 22, 1865.

[22] Collins, *Kentucky,* I, 163.

[23] *Lexington Observer and Reporter,* Dec. 6, 1865.

[24] These views were continually expressed in the *Lexington Observer and Reporter* (e. g. Aug. 19, 1865), and were held by the *Louisville Journal, Louisville Democrat,* and by the remainder of the state press generally.

cutors. On the other hand the resident rebels, those who have remained at home under the protection of Government, while praying for its destruction, are in power, erect defiant & aspiring."[25]

The editor of the *Commonwealth* sensed a real danger in the trend of events. "We had hoped," he said, "that treason had become so odious with the loyal men of the State that traitors must be made to suffer at least some of the consequences of their great crime. . . . There are sufficient of those returned rebels to form a balance of power in Kentucky. Their votes will be cast with those who have sympathized with the rebellion, and they will elect their own men to the control of the State. Failing to conquer Union men with the bullet they will accomplish it with the ballot."[26]

The legislature, meeting in regular session in December, would undoubtedly be concerned first in dealing with these wartime restrictions, so out of place in the days of peace. Governor Bramlette added his voice to the general chorus and in his message took up the cause of the Confederates: "Are they to be crushed—humiliated—debased by continued punishment? or shall they be forgiven—trusted—restored? Though secession is heterodox and suicidal, yet there were many able, intelligent, and conscientious men who honestly held and taught the right. . . . Those who held to it, and fought for it, have given it up and abandoned the claim. . . . Those who fought the battles are for peace. Those who nursed their courage at a distance from danger, 'to keep it warm,' only ask time to cool."[27]

This legislature needed no prompting; for it had been fully resolved during the fall that all the wartime rubbish should be swept away at the first opportunity. Under the direction of ex-Governor Helm in the senate and of R. T. Davis, a son of Garret Davis, in the house, on the first day of business the process was set going and it continued to the exclusion of all other matter until scarcely a vestige or reminder of the war could be thrown into the face of a Confederate.[28] The expatriation act received immediate attention. An attempt in the senate to require an oath of allegiance and proof of one year's good conduct was considered an insult to former Confederate soldiers and was promptly rejected.[29] Another amendment to the repeal bill, requiring those

[25] *Holt MSS.*, L, 6605-a. J. W. Kincheloe to Holt, Sept. 20, 1865.
[26] Semi-Weekly edition, May 28, 1865.
[27] *Lexington Observer and Reporter*, Dec. 9, 1865; *Cincinnati Gazette*, Dec. 6, 1865; *Annual Cyclopaedia*, 1865, p. 466.
[28] *Cincinnati Gazette*, Dec. 6, 15, 1865.
[29] The vote was 21 to 15. *Ibid.*, Dec. 13.

who had not taken the amnesty oath to swear allegiance before voting, was adopted by a close majority. The house was in no temper to go into the niceties of amendments; an attempt to require an oath of allegiance was voted down, and the unconditional repeal was passed 62 to 32.[30] The senate now acceded to the house and passed the repeal 22 to 12.[31] This mania for exacting oaths was looked upon as a reflection on the Confederates; the *Louisville Journal* declared it was "opposed to this promiscuous swearing" as it was "of no practical value."[32] According to the repeal act all persons who had lost rights of any kind through the operations of the expatriation act were "restored to the full and free use and enjoyment of the same, as completely as if said act had never been passed." This repeal could also be plead in bar to any prosecution growing out of the expatriation act.[33]

The news was received with approval generally; and as the *Louisville Courier* said, "when the history of that bloody, but ill-fated struggle shall be read in after days, it will also be related that within six months after the termination of hostilities, and before peace had been officially declared, the Legislature declared them all worthy of citizenship, and restored to them their civil rights. And this will be their vindication and exemption from reproach."[34] As a further apology to the Confederates the Court of Appeals declared the expatriation act unconstitutional and never to have in fact been a law.[35]

There now followed in quick succession the repeal of other laws against Confederates. Those who had invaded the state and had thereby subjected themselves to a penalty of serious proportions were relieved of all further prosecutions by considerable majorities in both houses;[36] and those guilty of treason through the operation of wartime legislation were pardoned.[37] Various other laws which were out of date due to changed conditions were stricken out, such as legislation requiring ministers to take an oath

[30] Vote, 19 to 17. *Cincinnati Gazette,* Dec. 13, 1865.

[31] *Ibid.,* Dec. 15; Collins, *Kentucky,* I, 166.

[32] Quoted in *Lexington Observer and Reporter,* Dec. 16, 1865.

[33] *Acts of Kentucky,* 1865, p. 3. Dec. 19.

[34] Quoted in *Lexington Observer and Reporter,* Dec. 30, 1865.

[35] Collins, *Kentucky,* I, 174. Oct. 18, 1866.

[36] *Acts of Kentucky,* 1865, p. 3. Dec. 18. Vote, in house, 62 to 33; senate 21 to 15. Collins, *Kentucky,* I, 166; *Cincinnati Gazette,* Dec. 15, 1865.

[37] *Acts of Kentucky,* 1865, p. 8; *Cincinnati Gazette,* Dec. 21, 1865; Collins, *Kentucky,* I, 165, 166. Jan. 13, 1866. Vote, house, 57 to 34; senate, 18 to 11.

of loyalty before performing the marriage ceremony; jurors, before serving on juries; and teachers, before instructing in the schools.[38]

Having swept away these wartime laws and made peace with the Confederates, the legislature now turned to positive action. It would have some revengeful consolation in passing laws against military rigors. The hated boards of trade, though no longer existing, were outlawed, and anyone attempting to regulate trade was subject to a penalty of from one to five years in the penitentiary.[39] Although the Court of Appeals in a case where one of Buckner's soldiers was being tried had held in 1864 that the orders of a superior officer excused the acts of a private,[40] the legislature passed a law providing that no civil action brought for injuries done to person or property should be dismissed under the plea of martial law or the suspension of the writ of habeas corpus.[41] The effect of this legislation was to allow returned Confederates to bring suit against Union men who had arrested them or confiscated their property. In fact this situation was foreseen by the Radicals when martial law had been revoked. It was claimed that suits were "brought against Federal soldiers for acts committed while in the service, and by order by their superior officers" and that the duty of the people to bring these suits was being urged. It was rumored that in a Lexington meeting "a prominent speaker urged *Confederates* to bring suit to redress their wrongs received at the hands of Federals."[42] Over 500 suits were brought against Union soldiers, but in cases of conviction they were generally pardoned by Bramlette.[43] To add to and emphasize both state and Federal laws already existing on the subject, the legislature declared that military interference at any election should make it void.[44]

[38] *Acts of Kentucky,* 1865, chs. 46, 51, 129, 272; *Cincinnati Gazette,* Dec. 14, 15, 1865; Jan. 31, 1866. The repeal of the law ignoring the "Rebel Party" in the appointment of election officials was vetoed by Bramlette. *Ibid.,* Dec. 15, 1865; Feb. 2, 15, 1866.

[39] *Ibid.,* Feb. 22, 1866. In the Covington Circuit Court the men who had composed the board of trade during the war were sued, and damages were awarded against them aggregating $15,000. Collins, *Kentucky,* I, 166.

[40] *Cincinnati Gazette,* March 27, 1866.

[41] *Ibid.,* Feb. 22.

[42] *Semi-Weekly Commonwealth,* Oct. 27, 1865.

[43] *Cincinnati Gazette,* April 10, 1866. The case against General Buckner resulting in the assessing of damages against him in his absence for the destruction of the Louisville and Nashville Railroad bridge across Green River and of various water tanks, was now re-opened with the purpose of bringing in a decision in his favor. *Ibid.,* June 15, 1865.

[44] Collins, *Kentucky,* I, 169. Feb. 17, 1866.

There were other wrongs to be righted. In 1864, Rev. J. M. Lancaster and Rev. J. N. Norton, ministers in Frankfort, had refused to take certain oaths required of them as chaplains, and the house had passed a resolution of censure and had dispensed with their services for the remainder of the session. This resolution was now rescinded as it appeared to be "an improper and unjust reflection upon their private and ministerial character."[45] Judge William C. Goodloe had dismissed certain indictments brought by the grand jury of Fayette County against persons for interfering with the election of August, 1865. This legislature considered Judge Goodloe guilty of high-handed procedure and appointed a committee to collect evidence to support his impeachment.[46] John H. Harney, of the *Louisville Democrat* and an especially bold critic of the Federal government during the latter part of the war, was elected state printer.[47] Seventy members of the legislature petitioned President Johnson to pardon John C. Breckinridge.[48] The evidence was conclusive that this legislature had no patience with the Federal regime or with Federals individually.

About this time Bramlette seems to have deviated somewhat from the Confederate zeal that had seized the legislature, when he sought to pacify the Radicals in the appointment of W. L. Neale to the state treasuryship. James H. Garrard, who had been elected in August (1865), died soon thereafter, and Bramlette, to the surprise of all appointed Neale, the unsuccessful Radical candidate. A Lexington editor declared it was "to say the least, a singular proceeding on the part of the governor, to nominate for an office a person who, but three months since, was rejected by the people when a candidate for the same office."[49] A legislature busily engaged in pacifying Confederates could not sanction such action; the senate refused to confirm the nomination. Thomas L. Crittenden was later appointed by the governor and agreed to by the senate.[50]

The legislature doubtless surprised the Confederates by its dispatch and the completeness of its work. It certainly astonished

[45] Collins, *Kentucky*, I, 167. Jan. 20, 1866.
[46] *Ibid.*, 168.
[47] *Ibid.*, 168.
[48] *Ibid.*, 169.
[49] *Lexington Observer and Reporter*, Dec. 20, 1865.
[50] *Ibid.*, Jan. 20, 1866; *Cincinnati Gazette*, Dec., *passim*, 1865, Jan. 19, 20, 1866.

the Radicals and left some of the Conservatives wondering what would come next. When the expatriation law had been repealed the editor of the *Commonwealth* said this truckling to rebels had been carried too far. He asked whether it called for "the turning of the tables upon the Union men of the State by permitting those who for four years have reveled in Kentucky blood and Kentucky spoils to still carry on their persecutions at the ballot box?"[51] At the same time a Radical observer exclaimed, "Let this Legislature continue to truckle with rebels, and the people will arise and sweep their party from the State."[52] But the course of legislation sped to its end and left the Radicals even more bewildered and dazed. Such ingratitude and sheer affrontery were unbelievable. Kentucky had sent 60,000 Union men to overthrow the rebel government, had succeeded, and now thought themselves "ready to reap the fruits" of their suffering. Instead they were forced to submit to such laws as a hostile legislature chose to punish them with for their devotion to the Union, "and comfort rebels with for their failure to ruin" their state."[53]

The Radicals considered this legislature to be made up of the arch conspirators of all time. It was a "glorious body, rich in all the genuine elements of copperheadism and niggerism."[54] Said a traveller in the state, "It is a singular fact that scarcely six months after the surrender of Lee's army, the Legislature of Kentucky is in the hands of as fierce a set of rebels as ever thirsted for the life of the Union or ever rushed upon the bayonets of the Union army."[55] The staid editor of the *Cincinnati Gazette,* from his point of vantage across the river, candidly observed: "That the majority of the present Legislature of Kentucky is as disloyal in spirit as any that ever met in Richmond or in South Carolina, is not to be doubted; that it is their desire to persecute, drive out or crush Union men, they have made clearly apparent; and that it is their wish and their intention, if possible, to re-enslave the freedmen, they do not pretend to deny. The most popular men with the majority of the Legislature today, are returned rebel soldiers, who fought through the war to destroy the Government, and the most

[51] Semi-weekly edition, Dec. 15, 1865.

[52] *Cincinnati Gazette,* Dec. 15, 1865.

[53] *Ibid.,* Dec. 20.

[54] "Born of the rebellion and full of the same old boast and braggadocio of its quondam leaders; now that the mother is dead, this its child, must take up the spear and shield and rush into battle in behalf of the old cause." Contribution to the *Cincinnati Gazette,* Dec. 16, 1865.

[55] *Ibid.,* Feb. 2, 1866.

unpopular are returned Union soldiers and Union men who sustained the Government through the struggle for its life."[56]

The state was now in the hands of the Confederates. It had been presented to them by the legislature. What they could not win by four years of hard fighting was now handed over to them as a free gift. "They are making and unmaking the laws," said one nonplussed Radical, "they have possession of the courts; they constitute the juries; they are legislators, judges, magistrates, sheriffs, constables, jurors, and with the spirit of disloyalty, they intend to take vengeance upon those who have been zealous in the cause of the Union."[57]

The political situation was tangled and complicated—in fact it had been steadily growing worse since the end of the war. "Never before in the history of Kentucky politics," said one observer, "were politics in such confusion as at present."[58] There were the Conservatives with far-flung lines, embracing Kentuckians from strong Unionists to "stay-at-home-rebels" and Confederate soldiers, held together by the common repugnance of the military régime; and there were the Radicals, out-and-out Unionists, who received their inspiration largely from the North, who were closely allied with the military authorities, and who hoped to rise with the fortunes of the party that had won the war. The former was unwieldly and always in danger of disintegrating through the breaking away of the traditional Democrats on the one side and of the Unionists on the other; and the latter as long as it remained unchanged was an exotic growth in Kentucky and was doomed to wither up and die. When these discordant elements attempted to line themselves up with national politics, there was even worse confusion.

On the national political horizon the skies had not yet cleared; on the contrary there were ominous signs of a violent storm. President Johnson, after a brief spasm of intense radicalism, had set about reconstructing the South along the more conservative lines pursued by Lincoln. The rising resentment of certain Congressmen and of others was soon visible, and the breaking point was reached when Johnson vetoed the Freedmen's Bureau Bill in Feb-

[56] Jan. 26, 1866.

[57] *Cincinnati Gazette,* March 13, 1866.

[58] Editor of *Lexington Observer and Reporter,* June 31, 1866. An admirer of Joseph Holt wrote him in July, 1865 asking his advice on what to do. He said he had stood by the Union, but that he was unable to agree with the course Congress was taking. *Holt MSS.,* XLIX, 6497. S. S. English, July 25, 1865.

ruary, 1866. In Kentucky national affairs had been watched with considerable interest and almost all factions were attempting to lay claim to President Johnson—the Conservatives because he was lenient to the South, and the Radicals because he still appeared to be carrying on the Union traditions.

The President came into the minds of Kentuckians prominently in October, 1865, when he abrogated martial law. The Conservatives met in Lexington to thank him for this step, and at the same time to endorse his whole reconstruction policy.[59] When the debate broke loose in Congress in January, 1866, on the Freedmen's Bureau Bill, the Conservatives drew still nearer to Johnson. They had not yet definitely decided to cast their lot with him, but as one member of the party said, "Nevertheless, if Mr. Johnson means fight, in his demonstrations toward Sumner, Stevens & Co., and will make it certain, Kentucky will be on his side in that fight, if only as a choice of evils."[60] Before the end of the month the party leaders in the legislature had been deftly maneuvering through various resolutions into a position to attach themselves to the President as their leader.[61]

And then when the President in a masterful message vetoed the Freedmen's Bureau Bill, the Conservatives were relieved of all further doubt as to where their support should go. On February 22nd, a great meeting, too enthusiastic to be restrained within strict party lines, was held at Louisville, where Bramlette, Helm, and others poured out their praise of the fearless President. Johnson's whole course of action and his program were endorsed.[62] On this day when patriots were accustomed to celebrate the birthday of the father of their country, they now held meetings to honor the new savior of it. At Lexington, Danville, and at other places, Johnson eclipsed Washington. By order of the governor, salutes were fired for both in Frankfort. Not having time to celebrate becomingly the veto message and praise it in adequate terms, the citizens of Frankfort called a meeting for the 26th at

[59] *Cincinnati Gazette,* Oct. 17, 1865. Meeting, on the 16th.

[60] Frankfort correspondent in *Lexington Observer and Reporter.* Jan. 13, 1866.

[61] *Cincinnati Gazette,* June 18, 1866.

[62] *Ibid.,* Feb. 27; *Annual Cyclopaedia,* 1866, p. 424; Collins, *Kentucky,* I, 170. Feb. 22. A Radical sarcastically said, "Of course, all of Kentucky, is for the President's veto speech, and anything that makes war, upon the so-called Radicals." J. W. Kincheloe to Holt, March 22, 1866. *Holt MSS.,* LI, 7144.

which they did this in proper fashion.[63] Orators and leaders of the day, such as Bramlette, Thomas L. Crittenden, and Leslie Combs, gathered and regaled the good-natured crowd with their laudations of Johnson. A news-gatherer said, "It was one of the largest meetings ever held in Frankfort, and expressed the unanimous feeling of the people."[64] It now became popular to praise the President. A Woodford County gathering declared that they honored him and pledged themselves "to sustain him in that position and all such acts of his hereafter as may be consistent with the Constitution."[65] He was soon looked upon by the Confederate element with such friendship that an erstwhile Radical well-wisher declared that "the rebel sinners were crowding the 'anxious seats' & the 'mourner's bench' to such an extent" that he "felt it was the duty of the saints to stand back and not jostle the newly fledged 'loyalists.' "[66] Basil W. Duke, one of Morgan's cavalrymen, in April wrote another Confederate, "If any-body should want to impose on Andy Johnson, it would be a 'good thing' to be able to help him."[67]

But the Kentucky Radicals for a time had been little behind the Conservatives in courting the President and claiming him as their own. Real Kentuckians found it difficult and distasteful to run along with all the plans and programs of some of the Radical leaders. Kentuckians were by nature conservative, and such proposals as negro suffrage and vengeance on the South frightened them away.[68] There was a well-defined feeling among many Radicals that their politics must conform generally to traditional Kentucky feelings, or ruin stared them in the face as a party. It was easy for them to see that if they were to grow, it must be done at the expense of the loosely-organized Conservatives. Their policies should, therefore, be shaped to attract them. Their ultimate goal was to build into one party all who had stood for the Union in one way or another at one time or another during the war.[69]

One of their first plans was to capture Johnson as their leader and let his actions bespeak their conservatism. They, therefore,

[63] *Lexington Observer and Reporter*, Feb. 24, 1866. For Danville meeting, see *Cincinnati Gazette*, Feb. 22, 1866.
[64] *Ibid.*, Feb. 27.
[65] *Lexington Observer and Reporter*, March 7, 14, 1866.
[66] *Holt MSS.*, LIII, 7370. T. S. Bell to Holt, Sept. 13, 1866.
[67] *Breckinridge MSS.*, 1866. Duke to W. C. P. Breckinridge, April 8.
[68] For instance, see *Lexington Observer and Reporter*, Aug. 26, 1865.
[69] See *Lexington Observer and Reporter*, Jan. 20, 1866.

set about offering resolutions in the session of the legislature of 1865-1866, to show how closely their ideas conformed with those of the President.[70] In a party caucus held on January 17th, an unusually conservative set of resolutions was passed, so much so that they might easily have emanated from the Conservatives themselves. They endorsed Johnson's policy, condemned negro suffrage, asked for a restoration of the writ of *habeas corpus,* demanded the removal of Federal troops, and called for the removal of the Freedmen's Bureau from the state.[71] This was amazing; it was a bombshell exploded among the intense Radicals. One of them styling himself "Indignant" declared, "The Union Party of Kentucky might . . . say 'I am whipped! I am whipped! I am most assuredly whipped!' Evidently the Union members of the Legislature thought so or they would not have met in caucus and adopted the resolutions they have sent to the world as the party principles that will govern them in the future."[72] These resolutions unquestionably did not represent the advanced Radical's program. One observer explained them on the ground that a feeling existed that the party could not hope to gain recruits unless it toned down its radicalism. But he was in it for a fight to the finish; he would not "bow the knee to Baal."[73] The milder Radicals came to the rescue. One defender said these resolutions would "meet the approval of all fair-minded and practical men of the Union party. A few extreme men may fly off, but even they will come back after a little reflection."[74]

These resolutions had been passed before Johnson's veto of the Freedmen's Bureau Bill, and, therefore, before he had completely broken with the Radical Congressional leaders. But even after this, the Kentucky Radicals were somewhat slow in deserting him. As late as April, certain Radicals outside the state bemoaned the fact that Kentucky Radicals were running after false gods. "'Tis a sad sight to see the Radicals of Kentucky siding with the President in his dispute with Congress. Have they lost the power of resisting reactionary principles. . . ? Are all her sons leaving the high ground they took and maintained during the war?"[75] By the summer of 1866, the Radicals had by devious

[70] *Cincinnati Gazette,* Jan. 12, 1866.
[71] *Ibid.,* Jan. 19; *Annual Cyclopaedia,* 1866, pp. 423, 424.
[72] *Cincinnati Gazette,* Jan. 24, 1866.
[73] *Ibid.,* Feb. 2, 3; March 14.
[74] *Ibid.,* Feb. 2.
[75] *Ibid.,* April 20. 1866.

methods been weaned away from Johnson and it now became the practice to criticize him roundly. They denounced him for "defection . . . from the loyal men of the nation" and for "his factious opposition to the supreme-law-making power of the nation, in Congress assembled."[76] Their opponents could now make merry. The Radicals were "the instigators and fomenters of the late war, and being foiled in their usurpations by the firmness of President Johnson, they howl and rage like wild beasts defeated of their prey."[77]

While the political elements were thus crystallizing themselves on national party allegiance, there was also going on a re-arrangement in state party lines. The Confederates were alert, daring, and ever ready to grasp an opportunity. They were still being lionized by a majority of the people in many communities; and as observed by a newspaper correspondent, "Any one can discover, with half an eye, that the returned rebels are the pets of the people —are the elite, the lions, and that those old Democrats that stayed at home are only a little less unpopular than Union men."[78] Emboldened by the removal of every restriction against them and now endowed with every civil and political right that their opponents possessed, the Confederates had no intentions of hesitating in seizing political leadership. In a special election in Madison County, they pulled the Conservatives through to victory by a 300 majority, thereby overturning a Radical majority of 400 in the previous election. They came to the polls armed with pistols and shotguns and voted.[79]

It was plain everywhere that the Confederates were the driving force in the Conservative conglomeration, and it was soon evident that they were going to demand due recognition in the party caucuses. Said one Confederate, "The Democratic party in this state have been so much wronged and insulted—robbed, imprisoned—driven from the polls—denounced as traitors, and advised by timid intriguing men to humble themselves under the spirit of others who were more acceptable to the tyrants at Washington and their scoundrel representatives here—that it is no wonder that they feel some repugnance to the idea of any further

[76] *Lexington Observer and Reporter,* Aug. 29, 1866. Resolutions of the Seventh Congressional District Convention.

[77] *Kentucky Gazette* quoted in *Cincinnati Gazette,* July 28, 1866.

[78] *Ibid.,* Feb. 19.

[79] *Breckinridge MSS.,* 1866. J. B. McCreary to W. C. P. Breckinridge, Jan. 15.

humiliation by their own voluntary acts."[80] There can be little doubt that some of the zest with which the Conservatives had hewed away the obstructions against Confederates was due to a feeling that votes would thereby be secured with which to keep their own leaders in power. Yet there was no strong feeling against some offices eventually falling to the Confederates, as was shown by the fact that a resolution in the senate condemning rebels and declaring that Union men should have first chance on the offices was smothered in a committee.[81]

Instead of simply picking up the crumbs that fell from the official table, the Confederates were resolved to seize the whole banquet. The most prominent Confederate leaders were soon grooming themselves for office. Col. D. Howard Smith, one of Morgan's cavalrymen, said, "Indeed the feeling is so strong where I have been with all *true* Democrats, that a large majority of them, or at least of those I have heard talk, say that they will not vote for any man, for the future, if they can help it, who has not seen service in the Confederate army."[82] Smith soon announced himself for office and thereby stirred up a storm among the Radicals and set many Conservatives to thinking.[83] One amazed citizen said, "Everywhere avowed rebels are elected to office, and they even propose now to give to one of Morgan's men the most lucrative office in the state, in consideration, we suppose, of his distinguished services in tearing up our railroads, burning our property, and killing men who were defending the State Government under which he proposes to hold office."[84]

The Confederate movement to seize the offices was soon in full swing, with a widespread desire to exclude anyone from office who had served in the Union armies.[85] The Radicals complained bitterly of the "rebel candidates," with "fighting rebels preferred to those staying at home." "The fact is," said one, "loyal men will have to ask an amnesty from the rebels. They cannot live under the oppressive weight of the rebellion, and the government both, and the government seems determined to show no quarter, to those who have aided in its preservation. . . . The rebels

[80] *Breckinridge MSS.,* 1866. J. R. Buchanan to W. C. P. Breckinridge, Feb. 6.

[81] *Cincinnati Gazette,* Jan. 24, 1866.

[82] *Breckinridge MSS.,* 1865. To W. C. P. Breckinridge, Dec. 26.

[83] *Cincinnati Gazette,* Dec. 30, 1865.

[84] *Ibid.,* Jan. 12, 1866.

[85] *Breckinridge MSS.,* 1865, 1866, *passim.*

have gotten up a system of proscription, extending to business matters and everything else of interest to man. I hope the President will soon have accomplished his work of rendering traitors infamous, if not, the loyalists of Kentucky will have to seek a more friendly clime."[86]

The Conservatives were by no means pleased at this unexpected Confederate insurgency. The alliance was in danger of breaking and the scramble for office was the direct cause. A Confederate editor said, "The greed for office has been the curse of the country and the source of its woes. If it were possible, we could heartily wish that neither honor nor profit were attached to public office, but that the idle and the vicious could be compelled to discharge their duties as a punishment for vice."[87] In order to stem the Confederate tide, the more moderate Conservatives, led by Prentice with his *Journal*, called a convention to meet in Frankfort on February 1st (1866), where the Union element should dominate and where it was hoped the substantial and reasonable Radicals would be won over.[88] This movement failed to catch the public interest and so died without the meeting being held.

This maneuver had somewhat alarmed the Confederates as it left no room for them in the leadership. They were not anxious to part company with the Conservatives, but some of them would not hesitate to do it if it were forced upon them.[89] James B. McCreary thought it would be a mistake to break the alliance under any circumstances;[90] and Basil W. Duke felt that the alliance ought to be preserved, but by all means under different leadership from that which sold the state out in 1861.[91] On the other hand, D. Howard Smith was not willing to truckle to designing Conservatives. He accused them of inconsistency: "The very men (some of them) who now say that they will never vote for any man who was ever in the Confederate army said less than two years ago that the only hope for the country was in Gen. Lee and his army and exulted more over their victories than ever the *rebels* (so-called)."[92]

[86] *Holt MSS.*, LI, 7144. J. W. Kincheloe to Holt, March 22, 1866.
[87] *Lexington Observer and Reporter*, Feb. 3, 1866.
[88] *Cincinnati Gazette*, Jan. 5, 12, March 27, *passim*, 1866.
[89] *Breckinridge MSS.*, 1865, 1866, *passim*.
[90] *Ibid.*, 1866. To W. C. P. Breckinridge, March 8.
[91] *Ibid.* To W. C. P. Breckinridge, April 8.
[92] *Ibid.* To W. C. P. Breckinridge.

The Confederates now seized control of party affairs and sent out a call through the vigilant *Louisville Courier* for a convention to meet in Louisville on May 1st (1866), and often referred to as the "Courier Convention." This was not an attempt to exclude Conservatives, but rather an assumption of leadership, with the ultimate aim of metamorphosing the movement into the old traditional Democratic Party.[93] The call went out to "all, without reference to past issues, who are devoted to the strict observance of the Federal and State Constitutions."[94] The convention was attended by delegates from eighty-five counties and the group was described as "large and imposing in appearance."[95] Charles A. Wickliffe, who had been the Democratic candidate for governor in 1863, was made temporary chairman, and among the prominent speakers present was ex-Governor John L. Helm. There was a reaction from the extreme position that only Confederate soldiers should be nominated for office, and a compromise was reached which resulted in the selecting for the clerkship of the Court of Appeals, the only important office to be filled, of Alvin Duvall, who had been ruled off the ticket in 1863 by the military authorities and who had been forced to flee the state to escape arrest at their hands. Resolutions were adopted condemning the Federal government for its usurpations, sympathizing with the Southern States in their troubles, recognizing the abolition of slavery but demanding the right to regulate the political status of the negro, and praising the President for his vetoes of the Freedmen's Bureau and Civil Rights bills. The convention pledged Johnson "a generous and hearty support in his efforts to restore the Constitution and the union of the States."[96] The real post-war Democratic Party in the state was definitely begun at this time.[97] According to the platform the party was "not sectional but co-extensive with the Union," and as for the Kentucky Democracy, J.

[93] The *Courier* said the meeting was "for . . . reorganizing the Democratic party in the State, with the view of acting in conjunction with the party in the other States, in defense of the Constitution, and the support of the Union restoration policy." Quoted in *Cincinnati Gazette,* April 19, 1866.

[94] *Louisville Journal,* June 5, 1867.

[95] *Cincinnati Gazette,* May 2, 1866.

[96] *Lexington Observer and Reporter,* May 5, 1866; *Annual Cyclopaedia,* 1866, p. 425; *Cincinnati Gazette,* May 2, 3, 1866.

[97] The party always considered this their second birth. *Cincinnati Gazette,* Dec. 17, 1866. In 1872, all platforms back to this meeting were endorsed. *Georgetown Weekly Times,* June 26, 1872.

Stoddard Johnson declared it was "a live element now—not a defeated despised fragment."[98]

The Conservatives little relished this Confederate Democratic convention; and the leaders definitely refused to have anything to do with it. It represented ingratitude of the basest kind. They had through great kindness and consideration swept away all legislation against Confederates, who now showed their appreciation by seizing the party machinery.[99] Apart from this *coup d'etat* they both stood practically on the same principles—the Confederates had forestalled them and stolen their thunder.[100] The Conservative alliance was now broken and the Confederates had done it. Nothing remained but for the Conservatives to call their convention. The *Journal,* still in the leadership, issued a call over the names of thirty-four men, mostly old line Whigs, for a convention to meet in Louisville on May 30th.[101] The call was made to all, irrespective of past politics, who stood behind the President.[102] It was hoped that many of the Radicals would fall in with the movement.[103]

As this was largely a scramble over the offices and party machinery, the rank and file of the Conservatives were little interested. R. R. Bolling had already announced his candidacy as a non-partisan, standing for virtually the same principles announced by the Democrats. A meeting of Conservatives in Lexington with slim attendance, resolved that there should be no new nominations as Bolling and Duvall stood on practically the same platform.[104] The *Journal* becoming fearful of scaring the moderates out of the Conservative party made quick to declare that it had "aided returning Confederate soldiers with food, clothing, and means of transportation, more perhaps than any ten other men in Louisville."

[98] *Breckinridge MSS.,* 1866. To W. C. P. Breckinridge, May 2.

[99] *Cincinnati Gazette,* April 9, 20, May 4, 17, 1866.

[100] *Lexington Observer and Reporter,* May 5, 1866; *Cincinnati Gazette,* May 7, 1866.

[101] *Ibid.,* April 23.

[102] The similarity of its position to that of the Confederate Democrats is well shown in the call, which summoned "all true men of all parties, to give an authoritative expression of their hearty and earnest support of the Union restoration policy and principles set forth in the President's annual and two veto messages . . . and to stand by him in his manly and noble struggle against the revolutionary and despotic course of the reckless and malignant dominant party." Quoted from *Louisville Journal* in *Cincinnati Gazette,* April 19, 1866.

[103] *Cincinnati Gazette,* May 9, 19, 1866.

[104] *Ibid.,* May 21.

It was "warmly for President Johnson's plan of restoration, the plan the men of the South all desire, and the very best they could desire."[105]

The convention met, attended by about sixty-six delegates from forty-eight counties, nearly all of them being old McClellan Democrats, and endorsed Bolling as their candidate. Among the outstanding supporters of this movement were ex-Governor Robinson, General Thomas L. Crittenden, and Harney with his *Louisville Democrat*. It adopted a platform similar to the one adopted by the Democrats, and stood squarely behind Johnson, pledging him "the earnest and disinterested support of all Union men of Kentucky, in all his conflicts with both extremes who seek to change, undermine or destroy the cherished forms of our Government."[106]

The Radicals were more thoroughly disorganized and demoralized than the Conservatives. They had long been trying to win over the Union Conservatives, and according to a Frankfort newspaper correspondent, "to this end they will adopt a platform couched in terms as conservative as possible, plausible and specious."[107] In the rise of the Confederate Democratic movement the Radicals saw ominous signs for the future, which might even presage a civil war, and they came to a sense of a greater need for an alliance with the Union Conservatives.[108] Robert J. Breckinridge, too long beset by the worries of politics and religion and grown old beyond his years, declared, "The country is being driven into new convulsions, which before a year is out—is most likely to drench this portion of it in destruction. . . . I judge the condition of this state to be rapidly passing beyond the divine forbearance."[109]

An effort was made by the Radicals about this time to capture for political purposes a convention of Union soldiers who were to meet in Louisville in April. The main purpose of the meeting seems to have been to secure bounties for soldiers and to look after their general welfare. The Radicals came near being beat at their own game, when Bramlette, Thomas L. Crittenden, and other Con-

[105] Quoted in *Cincinnati Gazette*, May 28, 1866.

[106] *Lexington Observer and Reporter*, June 2, 1866; *Cincinnati Gazette*, June 6, 1866.

[107] *Lexington Observer and Reporter*, Jan. 24, 1866; *Cincinnati Gazette*, *passim*, 1865.

[108] *Ibid.*, April 17, 1866.

[109] *Breckinridge MSS.*, 1866. To his son, W. C. P. Breckinridge.

servatives eulogized President Johnson and secured the introduction of resolutions supporting him. A considerable flurry ensued, and further trouble was averted by the convention declaring against taking up political questions.[110]

Shortly before the Conservative convention met, conversations had been held with the Radicals on the point of joining forces against the Democrats. The feeling prevailed among some that a union might be formed by side-stepping those questions on which both parties were not in accord, the Radicals agreeing not to ask for an endorsement of Congress if they were not asked to support Johnson.[111] At the Conservative convention a conference was held between representatives of the two groups, where the Radicals offered to let the Conservatives write the platform and nominate the candidate, provided they, themselves, would be permitted to appoint the executive committee which would call the next convention. As this amounted to handing the party over to the Radicals, the Conservatives refused, but agreed to compromise by allowing them two of the five members. This the Radicals rejected.[112]

The situation was now becoming very uncomfortable. They soon came to the conclusion that they could not support the Conservative candidate, Bolling, on account of his alleged Confederate sympathies.[113] The election was to be held in August, yet the Radicals had nominated no candidate nor perfected their party organization. It began to appear that it was either join the Conservatives or cease to exist as a party. The way was finally cleared for an understanding in the latter part of June when in a meeting at Lexington, Bolling resigned and General E. H. Hobson, the captor of John Morgan, was nominated.[114] The Conservatives called a ratification convention in Frankfort where Governor

[110] *Cincinnati Gazette,* March 22, April 10, 1866. The meeting that elected delegates from Franklin County passed resolutions strongly endorsing Johnson. *Ibid.,* April 2. The following resolution was tabled in the Louisville convention: "We believe those whom we found gallant enemies in war to be sincere in their profession of future loyalty . . . and we invite them to 'come go with us, and we will do them good.'" *Ibid.,* April 10.

[111] *Ibid.,* May 17. An effort was made in Lexington by certain Radicals to send delegates to the Conservative convention, but it came to nothing. This was the notice of its demise: "Here, under the shade of the hero of Ashland's monument, it came forth, lived six weeks, and died. Bury it out of sight. Its work is done. And sing over its remains: 'Old Aunt Pidy Old Aunt Pidy, The Gray goose is dead'." *Ibid.*

[112] *Cincinnati Gazette,* June 22, 1866.

[113] *Ibid.,* June 19, 22, 25.

[114] *Ibid.,* June 27, 28; Collins, *Kentucky,* I, 172.

Bramlette, John M. Harlan, Thomas L. Crittenden, and other leaders attempted to fan up the flames of enthusiasm.[115] The issue as far as the candidates were concerned was clearly drawn. A Federal general was pitted against a wartime judge who had been forced to flee the state to escape arrest at the hands of Federal troops. The *Louisville Journal* rejoiced that the issue was now clear "between those who fought for the Union, and those who fought for the revolt all through the war."[116] The most careful efforts were made to nurse this alliance into strength and vigor. It should steer far away from the rocks of national politics. The Radicals announced that they were "neither Johnson men or Congress men" and they set a curse upon "the man or men who attempt to thrust national politics into the canvass."[117]

As the alliance was weak and artificial at best, the Democrats struck it hard. They tossed in the apple of discord by insisting on drawing lines on national issues.[118] The Philadelphia Convention, which was soon to meet, to organize the Johnson supporters, made further trouble for the alliance.[119] The *Louisville Democrat* became disgusted with the course of events and joined the *Courier* in supporting the Democrats. There was much bitter condemnation of the Conservative leaders for deserting the Democrats and running into this Radical alliance, which became so unpopular with the Conservatives that there was a strong likelihood of them deserting in great numbers to the Democrats. This alliance was unwelcomed to the *Courier* principally for the reason that it would so change the situation as not to show "the insignificance of the miserable mischief-making little faction styling itself Conservative, and which made up in noise what it lacked in numbers."[120]

The campaign developed keen and widespread interest. The Democrats were glad to fight on the general issue of Southerner against Northerner or even on as explicit a statement of it as the gray against the blue. It is significant that this blunt expression of the issue did not cause many to take fright and flee away. But

[115] *Cincinnati Gazette,* July 2, 1866.

[116] Quoted *ibid.,* June 28.

[117] *Ibid.,* June 30, 1866.

[118] Rhodes, *History of the United States,* V, 614-616. The Democrats and Conservatives joined in a meeting in Lexington on June 9 to select delegates to the Philadelphia Convention. The delegation sent was about evenly divided between "McClellan Conservatives and Rebel Democrats." *Cincinnati Gazette,* July 10, Aug. 10, 1866.

[119] *Ibid.,* July 18.

[120] Quoted *ibid.,* June 28.

the real struggle as generally understood was "between destructive Radicalism on the one hand and constitutional Conservatism on the other."[121] One indignant Democratic candidate strongly denied the slander started against him that he had taken part in a Radical convention once. In a handbill he denied emphatically that he had been a delegate "to that convention, or acted with, or participated with it in any way whatever, or endorsed the resolutions adopted by that body." "It is well known," he said, "that I voted for McClellan and against the Constitutional Amendment with reference to slaves and am now opposed to the Constitutional Amendments already passed and proposed to be passed by Congress, and in favor of President Johnson's policy."[122]

The Democrats were belligerent and confident. The editor of the *Cincinnati Gazette* observed that the "rebel party in Kentucky is strong, well organized and cordially united."[123] They did not mince words in their campaign documents, and they sought more power by securing control of more newspapers. Walter N. Haldeman, editor of the *Louisville Courier,* wrote W. C. P. Breckinridge that he understood the *Lexington Observer and Reporter* was for sale, and advised him to buy it *"at any price."*[124] This deal was later carried through; Breckinridge became the editor and made his position a powerful one in Democratic journalism. Vanlandingham visited the state to speak for Duvall, and George H. Pendleton wrote his good wishes and assured the Kentucky Democrats that they were of the pure variety and were thoroughbreds. He added that the election of Duvall would be regarded "as the omen of coming Democratic triumph."[125] The economic argument found a place among the campaign tricks and general animosities. The Democrats were sure that the South would stop trading with Kentucky unless Duvall was elected; and the Radicals and Conservatives were equally as certain that claims for slaves taken during the war would be paid only if Hobson was victorious.[126]

It was evident to those who would be convinced that there was a great ground-swell over the state for the Democrats. Even the

[121] *Kentucky Gazette* quoted in *Cincinnati Gazette,* July 4, 1866.

[122] C. D. Carr, July 22, 1866, in handbill, preserved in *Durrett Collection.*

[123] June 22, 1866.

[124] *Breckinridge MSS.,* 1866, June 2. See also J. R. Buchanan to W. C. P. Breckinridge, May 24.

[125] *Cincinnati Gazette,* July 10, Aug. 4, 1866.

[126] *Ibid.,* July 29. The *Louisville Journal* said, "vote for Hobson and receive money for your slaves." Quoted *ibid.*

Radicals admitted that the race would be close.[127] Some of the most outspoken Conservative newspapers gradually slipped away and joined the Democrats.[128] Democracy was contagious. With some it worked fast; with others it took a longer time. General Lovell H. Rousseau, an intrepid Federal leader, was elected to Congress in 1865 as a Radical; within a few short months he had completely changed and soon came to enjoy the support of the *Louisville Courier*.[129] In the case of the Second Congressional District, the nominee in the early part of the war had been a strong Union man. He changed his mind during the war, and in 1865 was elected by a big majority over his Radical opponent; but he had not changed quickly enough to suit his constituents, so they turned him out and elected "a thoroughbred wool-dyed Secessionist."[130]

The Radicals were too exotic to be good Kentuckians, and were practically without newspaper support in the state. Their allies north of the Ohio gave them the support of the *Cincinnati Gazette* and of the *Cincinnati Commercial*.

The results of the election could have occasioned little surprise to those who would read the signs of the times. Duvall won by almost 38,000 majority, a stunning victory against the combined enemy. The vote was 95,979 for Duvall, and 58,035 for Hobson.[131] This was a remarkably large number of voters for so minor an election. In many places there was violence at the polls and no fewer than twenty deaths were reported.[132] The Radicals were left with no illusions; they were badly beaten. The Conservatives had almost completely deserted them; they had betrayed them.[133] "The Conservative party have lived their day," said one Radical. "They have run their candidate and the Radicals have voted for him. They have failed, miserably failed and henceforth must get out of the way."[134]

This election had been looked forward to as a test of strength between the blue and the gray. As the newspaper reporter saw it, it was "a straight cut rebel victory. There is not the least neces-

[127] *Cincinnati Gazette*, July 3, 1866.

[128] The *Lexington Observer and Reporter* is a good example; the *Louisville Democrat* has already been noted.

[129] *Cincinnati Gazette*, Aug. 13, 1866.

[130] Rothert, *Muhlenberg County*, 316.

[131] *Tribune Almanac*, 1867, pp. 57, 58.

[132] Collins, *Kentucky*, I, 173; *Cincinnati Gazette*, Aug. 8, 13, 1866.

[133] *Ibid.*, Aug. 10, 16.

[134] *Ibid.*, Aug. 10.

sity in trying to dodge or evade the issue. . . . This was the test and with it they canvassed and won the State. It is a sad record for Kentucky. . . . The rebel gray has whipped the Union blue at the polls, and as humiliating as it may be, it is nevertheless true."[135] The editor of the *Cincinnati Gazette* declared Duvall's election was "a discouraging piece of intelligence" but it was "not surprising." He did not believe the Kentucky Radicals deserved to win a victory. "Since the beginning of the war," he said, "the rebels have had the dash on their side, and as their pluck carried the young men over to their cause in 1861, so their bold support of rebel principles have given them a victory at the Polls in 1866."[136] The *Union Standard,* one of the few Radical papers in the state, was soon up and looking to future combats. It said, "The first gun is fired in the great struggle between loyalty and treason in Kentucky. . . ." It hoped that never again would there "be any disposition for compromise and coalitions at the sacrifice of principle. . . ."[137]

The *Lexington Observer and Reporter,* taking a more conservative view of the result, declared that it was not war memories that were responsible for what had happened, but the evils and indignities that had been heaped on the state after the war was over. Kentucky would "not proscribe a man *because* he has been a Confederate, nor will choose a man merely because he has served in the Federal army. . . . She has refused to proscribe for many local offices men against whom nothing was urged except service in the Federal army."[138] The real Confederate element took it more as a straight-out personal victory. Soon after the election, one of them wrote another, "The season of our rejoicing has been a glorious one indeed. We all feel now as though Kentucky had said to us once despised rebels: 'Well done thou good and faithful servants.' We are endorsed by our native . . . state which is a proud consolation. She perpetuates our names on her pages of history as honorable sons, instead of infamous ones."[139] The Confederates had undoubtedly been dominant in the campaign, and they had not failed to vote in the election. There was an increase of almost 70,000 votes in this election over

[135] *Cincinnati Gazette,* Aug. 10, 1866.

[136] *Ibid.,* Aug. 7.

[137] Quoted in *Lexington Observer and Reporter,* Aug. 29, 1866.

[138] Aug. 8, 1866.

[139] *Breckinridge MSS.,* 1866. Henry Stone to W. C. P. Breckinridge, Sept. 11.

the preceding one in 1865. All of these could by no means be considered Confederates, but undoubtedly a substantial part were.

The Democratic Party was now definitely launched, composed of the majority of Kentuckians, and unquestionably in the complete control of the Confederates. The Conservative movement had woefully failed and its leaders were left without a following. The Democrats now served notice that there could be "no middle ground nor successful third party." They would "gladly welcome every conservative man who voted for General Hobson" into their ranks. They did "not ask them to take back seats"; they would "admit them upon terms of equality."[140]

General Basil W. Duke summed up the situation by declaring that "the emancipation of the slaves and the horrible atrocities perpetrated by two federal generals—Burbridge and Paine, the former a native Kentuckian—who under guise of military execution, murdered nearly two hundred citizens and Confederate prisoners, had caused a great revulsion of feeling in that element of the population which had originally staunchly adhered to the Union. Reinforced by these recruits, those who have always entertained Southern proclivities suddenly found themselves overwhelmingly in control, and the post-bellum democracy of Kentucky began its career with a majority that could scarcely be counted."[141]

The Confederates were now supreme; how would they use their power? and what would the Radical Congressional leaders at Washington do about it?

[140] *Cincinnati Gazette,* Oct. 5, 1866.
[141] *Reminiscences of Duke,* 478.

CHAPTER XV

THE MOVEMENT TO RECONSTRUCT THE STATE

The capture of the state by the Confederates pleased the captives about as much as it did the captors. The state was deep in its heart dyed with a Southern tinge, and it had never at any time faded far away from this hue. True enough the Radicals complained loud and often, and the rump Conservative leaders raised their voices when the offices were to be filled; but the combined forces of both had not been able to prevail against the natural Southern sympathies of the people. Apart from the politically ambitious and the Radicals generally, there was little animosity against the Confederates and it was a difficult task to stir up any.[1] The most that could be said for the Radicals was, perhaps, expressed by the *Mount Sterling Sentinel* when it remarked, "If we discover in any Confederate or Federal those peculiar qualifications which fit them for the discharge of the high and important duties of this office [the governorship] let there be no division on account of their antecedents."[2] It was in fact much easier and more profitable political strategy to bait Federals than Confederates.

Having set her own house in order, according to the best Southern standards, Kentucky now began to take a keener interest in the plight of her sisters to the southward, with the purpose of offering aid and good counsel. As the tightening rigors of reconstruction throttled the South, Kentucky liked to consider herself its champion and protector. "She is the representative of the voiceless Southern States," said one editor.[3] With her strong love for the constitution, from which she liked to draw the principles to use in her battles, she early in the war warned the National government against unconstitutional practices in conquered territories. Departing from her original stand that states could not be coerced, she, nevertheless, could not admit that they might be destroyed. In 1862, the legislature looked with displeasure

[1] *Cincinnati Gazette,* Dec. 17, 1866. Letter by William Preston.
[2] Quoted in *Lexington Observer and Reporter,* Nov. 24, 1866.
[3] Editorial, *ibid.,* Feb. 22, 1868.

upon any attempt to fight the war except on a constitutional basis, and especially did it "condemn, in unqualified terms, any effort to reduce any of the States to a collonial [*sic*] or territorial condition."[4] Later when the doctrine of conquered provinces was gaining currency, the legislature declared it to be dangerous and subversive of liberty and the constitution.[5] Governor Bramlette declared in his inaugural address in 1863 that it was "not a restored Union—not a reconstructed Union—that Kentucky desires; but a preserved Union, and a restored peace upon a constitutional basis."[6]

With the going of the war and the coming of the reconstruction acts, the worst fears of the state were realized. Constitutional arguments and interpretations became the order of the day. Every Kentuckian in politics held the constitution as a stock in trade and he did not fail to use it. Governor Bramlette, never departing from his early stand, strongly condemned the Congressional policy of vengeance which would destroy not only the Southern States but bring on the inevitable downfall of the Union, which the war had been fought to save. The rebellion, itself, "was not more hostile or less dangerous to our free form of government than the spirit and temper of the dominant sectional majority that now denies a constitutional restoration." He declared "the fires of fanaticism stir the blood of the colder North with the intense glow and heat of sectional hate of the South, and urge forward its votaries in the fatal blindness of their passion, to the destruction of that government which has just been so successfully and triumphantly sustained and vindicated by the valor and endurance of our soldiers."[7]

The legislature declared that the states were "sovereign in their reserved rights, and indestructible by virtue thereof," and that Congress, therefore, had "no authority to annihilate any of them and that "their territorialization" was "unwarranted by the Constitution and destructive of the very framework of our Government."[8] The Southern States *were* in the Union, and Kentucky in her ceremonies and celebrations so recognized them; this was at least convincing inside the state whatever Congress might decree outside. Since the days of the heated battles between Clay

[4] *Acts of Kentucky,* 1862, pp. 127, 128. March 6.
[5] *Cincinnati Gazette,* Feb. 12, 1864.
[6] *Tri-Weekly Commonwealth,* Sept. 2, 1863.
[7] *Cincinnati Commercial,* Jan. 5, 1867. Message to legislature.
[8] *Annual Cyclopaedia,* 1867, pp. 421, 422.

and Jackson, Kentucky had loyally fired her cannon on January 8th, in honor of the battle of New Orleans and its heroes, and each state of the Union had been separately recognized by a shot. In 1868, the shots were fired as usual; but there were thirty-seven of them. What could this mean? The *Yeoman* quieted the agitation: "The Southern States had evidently been recognized, but so also, thought we, had the dismemberment of Virginia. We sought the gentleman who designated the number of rounds to be fired. 'Did you intend to recognize West Virginia in the salute,' we inquired. 'Not a bit of it,' said he, placing his forefinger to the side of his nose and eyeing us askance; 'there are only thirty-six bona-fide States, but then we could not help giving two rounds for the glorious State of Old Virginia—God bless her.' "[9] The next year, the legislature made it plain by adding to the customary resolution, "one gun extra for Old Virginia, the mother of States and Presidents."[10]

Not only should the Southern States be given their rightful constitutional position, but also individuals everywhere should be given back their civil and political rights. Bramlette from the end of the war had been carrying forward the wholesome practice of pardoning war offenders, whether Union or Confederate.[11] Why should not the same magnanimity be shown throughout the nation? "Without amnesty," said Bramlette, "there can be no peace. Unless forgiveness covers the acts of war, and relieves those engaged therein, there is no real peace; the war is but transferred from the field to the forum, where timid and corrupt men may swear away that for which brave men and true struck the manly blow."[12] The legislature repeatedly asked for amnesty not only for Southerners generally but for the many Kentuckians who

[9] Jan. 11, 1868.

[10] *Acts of Kentucky,* 1869, p. 113. Feb. 20. This was the resolution on Washington's birthday.

[11] *Annual Cyclopaedia,* 1866, p. 423. In defense of this policy he said in his message to the legislature, January, 1867, "Juries will divide upon the same line, and fail to agree; and witnesses will testify with the same leaning. Continued strife, bitterness, and hostility, upon the war issues, will be kept alive, and a general demoralization of communities will be the result." *Cincinnati Gazette,* Jan. 5, 1867.

[12] *Lexington Observer and Reporter,* Jan. 5, 1867. Message to the Legislature. Subsequently he said, "The cry we hear come up from other States of *'make treason odious,'* sounds in the ears of humanity and of Kentuckians more like the bay of the pursuing bloodhound, maddened by the scented blood of the stag, than like the welcoming tones of a Christian brother, who rejoices at the return of the wayward prodigal to the paternal roof." *Ibid.,* Sept. 11. Valedictory address.

were "forced to remain in exile." She was "entitled to the services of all her citizens; she desires the return of all her exiles to their homes, and the restoration of all lying under any disability to a perfect political and civil equality with all her other citizens."[13]

In her crusade to help the South, Kentucky not only dealt in constitutional arguments and appeals to right and justice; she also aided in substantial and material ways. The South had been harried by invading armies and many of the people were destitute, and although Kentucky, herself, had not been free from some of the worst devastations of the war, she divided with the South her sustenance. By the end of 1866 she had donated to the poor of Georgia alone 10,000 bushels of corn;[14] and during only a half of the following year the Louisville and Nashville Railway carried free of charge food and clothing to the Southern people on which the freight would have been $11,500.[15] Among the various ways used to raise relief funds, fairs and horse-races were frequently resorted to.[16] Also, Kentucky condemned the taxes levied on cotton, which further impoverished the South, and demanded of Congress that the money already collected be refunded as a "matter of even-handed but tardy justice to those with whom the people of this State are identified, as well by ties of blood as by common interest."[17]

In these efforts to aid and protect the Southern States, Kentucky had the ennobling feeling of the strong for the weak. According to J. Stoddard Johnston, at this time, "The spirit of Kentucky is beautifully grand. It stands out in the pride of all the South. She is blessed in every Southern state as making a grand struggle for the right and she gets the credit of being unanimous." But this work was dangerous; Kentucky had roused up mighty forces of hate and vengeance in powerful enemies who were thirsting for her blood. Kentuckians "do not realize that the old State

[13] *Acts of Kentucky,* 1867, pp. 92, 93; *Annual Cyclopaedia,* 1868, pp. 404, 405; Collins, *Kentucky,* I, 187. March 9, 1868. For resolutions at other times see *Cincinnati Gazette,* Jan. 12, 1869; *Acts of Kentucky,* 1871, p. 106. Feb. 23. The Democratic state convention in 1871 called for a restoration of all rights to the Southern States and earnestly wished "for them all the blessings and prosperity to be enjoyed under a republican form of government." Z. F. Smith, *School History of Kentucky* (Louisville, 1891), 210.

[14] Collins, *Kentucky,* I, 174. See also *Breckinridge MSS.,* 1867. H. H. Turner to W. C. P. Breckinridge, May 30.

[15] *Cincinnati Commercial,* July 17, 1867.

[16] *Ibid.,* June 14.

[17] *Acts of Kentucky,* 1871, p. 89; *Georgetown Weekly Times,* Dec. 13, 1871.

has their dagger at her breast which is only witheld [*sic*] for more strength of aim to drive it to her vitals."[18]

In the legislature which met in January, 1867,[19] the state further showed her complete and permanent alliance with Southern thought and ideals. A few wartime laws that had escaped the notice of the previous legislature were now immediately repealed, and a resolution was boldly introduced calling for the appropriaton of $10,000 to re-inter Kentucky Confederate soldiers killed in other states.[20]

In this legislature Kentucky added her voice of protest to the Southern chorus, when the Fourteenth Amendment came up. A year or two earlier, it had been almost unbelievable that the negro would be given the suffrage. Governor Bramlette had declared that any state giving the negro the right to vote would by that act drive out its white population. "The certainty of being flooded with 'colored' voters, and of losing their own better population" would be the surest guaranty that such examples would "not be very far extended." Furthermore, such a gift on the part of Congress would be wholly unconstitutional.[21] Yet the Fourteenth Amendment, with negro suffrage as the most astonishing part, was passed by Congress in 1866, and the admission of the Southern States was made conditional upon its ratification. To Kentucky, already in the Union, this was an outrage, and in her estimation it was doubly so to the South. Bramlette declared that the rump Congress had no right to propose such an amendment. But worse yet: "To make the support of a proposed change in the form of government the test of loyalty to the existing constitutional government, is far more iniquitous and unjust than to make the past disloyalty a perpetual test."[22] The legislature promptly rejected the amendment,[23] and the house later in a resolution presented by Joshua F. Bell and passed by a vote lacking one of being unanimous declared that the people were "unalterably opposed to

[18] *Breckinridge MSS.*, 1867. To W. C. P. Breckinridge, May 1, 1867.

[19] Jan. 3 to March 11.

[20] *Lexington Observer and Reporter,* March 9, 1867; *Acts of Kentucky,* 1867, chs. 981, 1561; Collins, *Kentucky,* I, 178.

[21] *Lexington Observer and Reporter,* Dec. 5, 9, 1865; *Cincinnati Gazette,* Dec. 7, 1865.

[22] *Annual Cyclopaedia,* 1866, pp. 426, 427; *Cincinnati Commercial,* Jan. 5, 1867.

[23] *Acts of Kentucky,* 1867, pp. 119, 120; *Cincinnati Commercial,* Jan. 9, 1867; Collins, *Kentucky,* I, 175. The vote was 62 to 26 in the house and 24 to 7 in the senate.

negro suffrage, whether unlimited or special, general or qualified" and that they most earnestly protested against any Congressional action on the subject.[24]

The first important contest after the disastrous Radical defeat in August, 1866, came in the election of a United States senator in 1867. Much importance was attached to this election by all concerned. The Radicals hoped that their ill-fated union with the Conservatives might be revived and made permanent in the election of their candidate; and the Democrats hoped to swallow up the Conservatives. Even the latter still had ambitions of their own.[25] The number of willing candidates was almost without limit; Governor Bramlette would not reject the offer, neither would Lieutenant-governor Jacob nor John M. Harlan.[26] Voting began with the opening of the legislature and continued to the number of from one to three ballots every day throughout the month.[27] Each of the three parties was holding out for its own candidate. The Radicals voted for John A. Prall, James Speed, Benjamin H. Bristow, and others in their hopes of winning over Conservative support; but in every instance they failed. A union between the Democrats and Conservatives was much more to be expected, and in their maneuvering they parried with each other at one time or another for the following men: Garret Davis, Lazarus W. Powell, Aaron Harding, Henry A. McHenry, Elijah Hise, James F. Robinson, John M. Harlan, John C. Breckinridge, Jesse D. Bright, and William O. Butler. A union was finally effected on Garret Davis, who had started out as a strong Unionist but had before the war ended become such an outspoken critic of the National administration that he came near being expelled from the Senate.[28] The result was the election of Davis by a vote of 78 to 41 for Bristow.[29] To celebrate the victory and cement the union, he gave a banquet to two hundred and fifty of his supporters.[30]

The Democrats had thus again demonstrated that they were in the ascendency, and as one of them said, "The Confederates of

[24] *Ibid.*, 178.

[25] *Cincinnati Commercial,* Jan. 19, 1867.

[26] *Cincinnati Gazette,* Dec. 1, 1866.

[27] For example, see *Cincinnati Commercial,* Jan. 17, 22, 1867.

[28] *Cincinnati Gazette,* Jan. 14, 1867; *Cincinnati Commercial,* Jan. 18, 26, Feb. 1, 6, 1867.

[29] *Annual Cyclopaedia,* 1867, p. 421; Collins, *Kentucky,* I, 176; *Cincinnati Commercial,* Jan. 31, 1867.

[30] *Ibid.,* Feb. 1, 7.

the state are the living, moving, energetic, ruling element. . . ." "The destiny of the commonwealth rests in their heads, hearts, and hands."[31] This was the year for the election of the governor, the first chance since the end of the war to fill the highest office in the state. Now the Confederates had an opportunity to climb to the pinnacle in the state and put to a complete test whether a Confederate should be handicapped by his past course.[32] Colonel D. Howard Smith declared that the coming party convention was "to settle permanently the fate of ex-Confederates and of the Democratic party in Kentucky."[33]

There was considerable sentiment for General William Preston, who had distinguished himself in the Confederate army and had further recommended himself by arousing so much enmity on the part of the Federal régime that it confiscated his property and banished his family.[34] Not all Confederates thought it wise to make a special point of pushing the issue of service in the Confederacy. With his keen political sense, W. N. Haldemen of the *Courier,* who had, himself, been forced to flee the state with his paper during the war, declared that it would "be fatal to any man or party to demand the nomination because the candidate was a Confederate." "That should be no bar," he said, "but it cannot be made a merit."[35]

The movement to hold the state convention was early started, and much enthusiasm was evident. " 'Southern rights' already begin to bubble up from many fountains in Kentucky," observed a Radical at this time;[36] and the *Commonwealth* stated that "In every part of the State, the Rebel Democracy are organizing to obtain complete political control in the State." It added that the only candidates that would get the nominations were "those who hate the—infernal Yankees, and despise the Union, and weep over the 'lost cause.' "[37] The candidates were plentiful. In early January it was stated that there were already in the field thirty-eight for the six principal offices to be filled—"all relying upon their sympathies and suffering in the cause of the rebellion as

[31] *Breckinridge MSS.,* 1866. Henry Stone to W. C. P. Breckinridge, Dec. 31.

[32] *Ibid.* Boyd Winchester to W. C. P. Breckinridge, Dec. 6.

[33] *Ibid.* To W. C. P. Breckinridge, Dec. 15, 1866.

[34] *Ibid., passim; Cincinnati Gazette,* Dec. 17, 1866.

[35] *Ibid.* To W. C. P. Breckinridge, Dec. 20.

[36] *Autobiography of Dr. J. J. Polk* (Louisville, 1867), 80.

[37] Semi-weekly edition, Jan. 8, 1867.

their chief recommendation to office."[38] The unrestrained and unterrified Democracy in Ballard County instructed its delegates for John C. Breckinridge for governor, although he was at that time a fugitive in Canada.[39]

The convention met in Frankfort on Washington's birthday and re-affirmed the political faith it had laid down in the Louisville meeting the preceding year. It declared that the attempt being made "by Congress to reduce the states in the union to mere territorial dependencies, and to hold them as subjugated provinces under the iron heel of military despotism, is not only the greatest political outrage that was ever attempted in this country, but a malicious and flagrant violation of the Constitution and in direct conflict with the decision of the Supreme Court of the United States."[40] At the first mention of John C. Breckinridge a loud cheer went up.[41] The convention considering it unwise to name a Confederate soldier for governor, did the next best thing and named John L. Helm, one of the bitterest critics of the National administration throughout the war, who, though not going to the war himself, had a son killed in the Confederate army, and who had advocated secession, declaring "the sooner we can come to an honorable and just separation the better."[42]

The remainder of the ticket was filled with actual Confederate soldiers and secessionists, except one Union man who had long since come to repent of his shame. John W. Stevenson, the nominee for lieutenant-governor, was accused of having attempted to raise a regiment for the South but was prevented from doing so by his arrest.[43] This bold action of the convention not only enraged the Radicals, but it also caused profound surprise outside the state. The *Cincinnati Commercial* declared that this unrestrained sway of the Confederates in Kentucky would have to be disclaimed by the National Democracy or else it would hang around its neck like a mill-stone. It furthermore said that the "position taken by the Frankfort Convention of Kentucky Democrats is so obnoxious and untenable that no Democratic State con-

[38] *Cincinnati Commercial,* Jan. 5, Feb. 22, 1867.

[39] *Ibid.,* Feb. 8.

[40] *Annual Cyclopaedia,* 1867, p. 422.

[41] *Cincinnati Commercial,* Feb. 26, 1867.

[42] *Cincinnati Semi-Weekly Gazette,* Sept. 6, 1867; *Reminiscences of Duke,* 479; *Lexington Observer and Reporter,* Feb. 27, 1867; *Cincinnati Commercial,* Feb. 23, 1867.

[43] *Ibid.,* Feb. 26, 28; *Cincinnati Semi-Weekly Gazette,* Aug. 16, 1867; *Semi-Weekly Commonwealth,* Aug. 9, 1867.

vention at the North can hope for success unless it protests in the most emphatic language against the action of that body. . . . The Democracy of the North must disavow all sympathy and association with these Kentucky secessionists. . . ."[44] George D. Prentice with the powerful influence of his *Journal* now cast his lot for better or for worse with the Democrats, and came to the rescue. In answer to the charge "that the members of the ticket with a single exception, were anti-war men during the rebellion," he said, "We do not know whether this assertion is true or not. Nor do we care. The rebellion is a thing of the past."[45]

The deep-hued Confederate complexion of the Democratic convention and of its candidates fanned into flames again the dying embers of the Conservative movement. Even before the convention had met, the rumor that the Confederate element would be in control set the Conservative leaders to thinking, and brought forth threats of a third party.[46] The convention, itself, left them dazed for a time; but Lieutenant-governor Jacob soon raised the cry that the Confederates could not be left unchallenged.[47] He declared that only rebels had been given any consideration in the convention and that Colonel Wolford had been passed by because he had fought for the Union. "When the Convention nominated Helm, Stevenson, and Rodman, they nominated men who had entered the Confederate lines, but did no fighting." He called for an organization of a new party.[48] A conference of the old Conservative leaders was held at Frankfort on March 6th, attended by such men as Bramlette, Jacob, J. H. Harney, John M. Harlan, Joshua F. Bell, J. B. Temple, R. R. Bolling, Hamilton Pope, W. B. Kinkhead, and D. C. Wickliffe. They set down preliminary articles of faith for their party and named themselves the Conservative Union Democrats. They declared that they were the real Democratic party in the state and a part of the national

[44] March 1, 6, 1867.

[45] *Louisville Journal,* Feb. 25, 1867. The *Journal* had said directly after the election of 1866, "We want no distinction kept up between those who fought for the rebellion and those who fought for the Union, provided all alike are faithful to their allegiance at this time." Quoted in *Cincinnati Gazette,* Aug. 24, 1866.

[46] "The Democrats (say they) intend to have things their own way and intend to proscribe them and cut them off from office!"—so the *Danville Advocate* describe the feelings of the Conservatives. Quoted in *Lexington Observer and Reporter,* Feb. 9, 1867.

[47] *Kentucky Yeoman,* March 8, 1867; *Cincinnati Commercial,* Feb. 22, March 1, 1867.

[48] *Lexington Observer and Reporter,* March 2, 1867

organization. They bitterly condemned the usurpations of Congress but at the same time held that the "late attempt at secession or rebellion was a crime and a blunder, and a fruitful source of the calamities that now afflict the country." They could never "support a political organization which, through its organs, and its nominations, endorses the movement of the South in the attempt to divide the union of the States. . . ."[49]

To win life and support for the party, they sent out an appeal to the people and issued a call for a convention to meet in Louisville on April 11th. They accused the Democratic convention of having rejected for office every "man who was known and regarded as a Union man through the war. . . . No matter what may be his views as to the future policy of the Government; no matter what he has risked, or what he has suffered for the advocacy of kindness and magnanimity to the South; no matter how true he may be to Southern interests, still if he was opposed to secession and rebellion, and favored the Union cause, he was to be proscribed by that party."[50] The Radical *Commonwealth* took time in passing to remark: "These same men tried generosity upon the rebels of this State. . . . Only another illustration of the fable of the farmer and the viper."[51]

The Conservative Union Democrats put their main hope in driving a wedge between the Confederates and the wartime Unionists and welding together the conservative Democracy of the state. Especially did they expect to capture the Union soldier element. As was observed by one, "They don't like the scorching simoon of Southern fire eating nor the rude boreas of Northern fanaticism. . . ."[52] Steering this middle-of-the-road course, they took pains to emphasize the point that they were the real Democrats. Now and then they would send greetings to Northern Democratic organizations to prove their position.[53] In their convention at Louisville they re-affirmed their preliminary articles of faith and nominated for governor William B. Kinkhead.[54]

[49] *Ibid.*, March 9; *Semi-Weekly Commonwealth,* March 12, 1867; *Cincinnati Commercial,* March 7, 1867.

[50] *Cincinnati Commercial,* March 7, 16, 1867.

[51] Semi-weekly edition, March 8, 1867.

[52] *Cincinnati Commercial,* April 24, 1867. Article by "Mack."

[53] *Lexington Observer and Reporter,* April 27, 1867; *Louisville Journal,* July 12, 1867; *Cincinnati Commercial,* May 25, 1867; *Cincinnati Semi-Weekly Gazette,* Nov. 26, 1867.

[54] *Annual Cyclopaedia,* 1867, p. 423; *Cincinnati Commercial,* April 12, 1867.

The Radicals soon after their disastrous brush with the Democrats in the August election of 1866 were up again looking to the future. Some would patch up the Conservative alliance again and attempt to nurse it into strength;[55] while others declared that the Radicals should be done forever with the disastrous compromises and alliances with other groups and should learn to stand on their own feet. The Democrats and Conservatives always managed "to vote together and against us and all we hold dear to the interest of the country, and we would as leave have one as the other in office."[56] Let the party be *organized* not *reorganized* for it had never yet had the timidity to come out on true Radical principles alone. It was declared that "Kentucky Unionism has always been an unstable, unreliable article, and it has been the misfortune of the Union party of this State that it always contained a number of men who were afraid of the principles which they avowed."[57]

Plans for organizing the party were laid in a caucus of the Radical members of the legislature in January, 1867, when James Speed spoke and gave directions. A simon-pure Radical state convention, unconnected with any other group, was called to meet on February 26th.[58] Speed saw a bright opportunity ahead. He wrote Robert J. Breckinridge on February 20th: "If the Democrats are controlled by the rebel element on the 22nd as I believe they will be we can beat them. The quiet pluck & determination of the Radicals has amazed the Rebels and confounded the Conservatives. It begins to look like we would promptly recover from the confusion of last summer."[59]

The Radical convention was held in Frankfort with the railways granting half-fare to the delegates. In a "harmonious and enthusiastic meeting" Sidney M. Barnes and R. T. Baker were nominated for governor and lieutenant-governor respectively. James Speed wrote the platform, a conciliatory document which it was hoped would appeal to conservative Kentuckians as well as to the Radicals. The President was not mentioned nor Congress caressed. The Southern States should be speedily restored. It

[55] *Lexington Observer and Reporter,* Jan. 5, 1867; *Cincinnati Gazette,* Dec. 5, 11, 1866.

[56] *Ibid.,* Dec. 1. Kentucky contributor.

[57] *Ibid.,* Sept. 21, 29. They condemned Bramlette's message to the legislature in January, 1867. *Semi-Weekly Commonwealth,* Jan. 4, 1867.

[58] *Cincinnati Commercial,* Jan. 14, 1867.

[59] *Breckinridge MSS.,* 1867.

declared its specific and especial "opposition to the policy and projects of the rebel Democracy in Kentucky in their effort to render treason respectable at the expense of the brave men who wore the blue. . . ."[60] The true Radical party (or Republican as it was later called) was born here at this time.[61]

The first test of strength came in the special Congressional election held on May 4th on account of the early meeting of Congress.[62] The result was amazing, even the Confederates were surprised. The Democrats won all nine Congressmen by overwhelming majorities. Their majority over the Radicals was 49,000, over the Conservative Union Democrats, 71,000, and over both combined, 41,000. Never before had such a victory been won in Kentucky by any party at any time.[63] The Confederate Democracy was jubilant. A Fleming County resident joyfully reported that his county was "fast freeing herself from the stain of abolitionism by giving handsome Democratic majorities."[64] The Radicals were almost staggered by their defeat. One of them summed up the situation thus: "The election for Congressmen is over, and as might have been expected, loyal Kentucky has gone overwhelmingly for the rebels. Not one district has been carried not even a Councilman or 'Squire' elected. . . . Kentucky is today as effectually in the hands of the rebels as if they had every town and city garrisoned by their troops. With a rebel Governor, rebel Congressmen, rebel Statehouse and Senate, rebel Judges, rebel Mayors, rebel municipal officers, rebel policemen and constables, what is to become of the poor blacks and loyal white men God only knows."[65] Sam McKee, who had lost his seat in the election, declared that treason and rebellion had won. "Kentucky, at the polls, has given proof, that a majority of her voters believe

[60] *Lexington Observer and Reporter,* March 6, 1867; *Annual Cyclopaedia,* 1867, p. 423; *Cincinnati Commercial,* Feb. 22, March 2, 1867.

[61] *Ibid.,* June 19, 1869.

[62] The Fortieth Session of Congress met on March 4, 1867, and thus Kentucky had been for two months without representation. *Louisville Journal,* Feb. 5, 1867; Collins, *Kentucky,* 176. Kentucky had not elected her Congressmen in the fall preceding when Johnson took his famous "swing around the circle." On this trip Johnson had visited Kentucky, however, and had been enthusiastically welcomed at Louisville by 150,000 people and royally entertained by the leaders of the state. *Cincinnati Gazette,* Sept. 12, 1866.

[63] *Annual Cyclopaedia,* 1867, p. 423; Collins, *Kentucky,* I, 180.

[64] *Breckinridge MSS.,* 1867. Milford Overley to W. C. P. Breckinridge, May 11.

[65] *Cincinnati Commercial,* May 13, 1867.

the war for the Union was wrong, and that their hearts, as well as their voices, are in sympathy 'with the lost cause'."[66]

What happened now was a harbinger of what was to come in August; yet all three parties carried on heated and feverish campaigns. The Radicals, fearing to embrace too closely negro suffrage, rather abandoned extreme principles and centered their attention on the rebels.[67] The Congressional election had shown the utter collapse of the Conservatives, and the Democrats now directed their special attention to the remnant in order to annihilate them completely in August.[68] George Pendleton, Clement L. Vanlandingham and other outside Democratic leaders came into the state to aid.[69] Confederate sympathies and traditions were triumphant; there could be no question about it. Aid to the South and opposition to the North during the war were sure passports to victory. A Fleming County candidate inserted this communication in the Paris *True Kentuckian* as a matter of course: "As I am informed through reliable sources that it is reported in the community that I was with the Federal army during the war, I wish to pin the lie to it by making a public denial through your paper; for I was not associated with that army in any capacity during the war, and defy anyone to prove to the contrary. I am only anxious to deny the reports because I know they were promulgated by some maliciouslly disposed person or persons with a view of prejudicing the public against me."[70] "Petroleum Vesoovius Nasby" in his satire *Ekkoes from Kentucky* declared that the "candidates were strate Democrats, every one uv em. Sum uv em hed bin accoosed uv leanin towards the Fedrel side, but they had by affidavits, proved themselves troo to Democracy."[71]

[66] *Lexington Observer and Reporter,* May 22, 1867.

[67] Barnes was actually opposed to negro suffrage. *Ibid.,* Sept. 7; *Cincinnati Commercial,* April 4, May 13, 1867.

[68] *Tri-Weekly Yeoman,* April, May, 1867; *Lexington Observer and Reporter, passim,* 1867.

[69] *Cincinnati Semi-Weekly Gazette,* Sept. 20, 1867.

[70] Quoted in *Cincinnati Commercial,* Aug. 5, 1867. "Dr. W. J. Talbott, Centerville, Ky., June 8, 1867". Another candidate began a campaign circular in this manner, "Presuming that you are familiar with . . . my banishment South during the war for the advocacy of Democratic principles. . . ." *Breckinridge MSS.,* 1867. One of the circulars may be found here.

[71] *Ekkoes from Kentucky* by Petrolium V. Nasby, P. M. at Confedrit X Roads (which is in the State uv Kentucky), and perfesser uv Biblikle Polity in the Southern Military and Classikle Institoot. Bein a perfect Record uv the ups and Downs and Experiences uv the Democricy, Doorin the eventful year 1867, ez seen by a Naturalized Kentuckian (Boston, 1868), 246.

When the election returns were counted it was found that the Democrats had won even a more astounding victory than in the previous Congressional election. They defeated the Radicals by 56,000 votes, the Conservatives by 77,000, and both combined by 43,000.[72] They were seriously happy; the God of justice was yet on his throne. Prentice in his *Journal* said: "The voice of her people has been uttered like the voice of the old Atlantic in a storm. It will resound over all the land and through many years. It is the tempest-tone of a people protesting against and rebuking the wildest and most destructive spirit of evil that ever raged in a wronged and deeply afflicted country. The Democracy of the North will hear it and rejoice. The Democracy of the wronged and bleeding South will catch the sound and take courage."[73] Bramlette declared that the election "was the irrepressible outspeaking of the people regardless of all personal popularities and parties, in solemn and earnest condemnation of the harsh, unwise, unjust, unpatriotic, anti-republican, disunion and unconstitutional measures and policy of reconstruction adopted by the dominant majority in the 'so-called' Congress of the United States."[74]

The Radicals were so torn with mixed emotions that they scarcely knew whether to vent the solemn feelings of an outraged and terribly harassed people or flippantly and satirically to dismiss the subject as a comic opera affair. One of them sarcastically observed: "Steadfast old Kentucky—reliable, rebel old Kentucky—the pride and joy of every traitor from the Ohio to the Gulf, you did it well."[75] According to the *Commonwealth* "the 'Lost Cause' is found again in Kentucky."[76] The *Cincinnati Commercial* noted that the "Island of Kentucky went Democratic," but it believed that the Union men of the country would "feel chagrined that the majority is so small, for it is well understood that as goes

[72] *Annual Cyclopaedia,* 1867, p. 423; *Tribune Almanac,* 1868, pp. 46, 47; Collins, *Kentucky,* I, 181. The exact vote was: Helm, 90,225; Barnes, 33,939; Kinkhead, 13,167. The legislature stood:

	House	Senate
Democrats	85	28
Radicals	10	7
Conservatives	5	3

The total number of qualified voters was 187,870.

[73] Aug. 7, 1867.

[74] *Cincinnati Semi-Weekly Gazette,* Sept. 6, 1867. Valedictory Address at Elizabethtown, Sept. 3, 1867.

[75] *Cincinnati Commercial,* Aug. 8, 1867. "P. C. W."

[76] Semi-weekly edition, Aug. 9, 1867.

Kentucky so goes the rest of the nation the opposite way. The bigger the rout of loyalty and progress in Kentucky, the greater the recoil every-where else. The majority of fifty thousand, however, affords a sufficiently healthy promise."[77] The *Cincinnati Gazette* declared that Kentucky was in the hands of rebels and traitors and that the lives and property of the men who fought to preserve the Union were in danger. It said that the state would "elect John C. Breckinridge to the United States Senate, but for the test oath, which guards the door of Congress against traitors."[78] The Kentucky Radical expressed well the general feeling among Radicals throughout the land when he said, "Kentucky failed to secede in 1861. By a strange conjunction of circumstances what the rebels failed to do in that year, they freely realized in the year 1867."[79]

Certain Radicals, former Federal soldiers, aided and abetted by professional politicians, bitterly denounced the Confederate Democratic régime that was about to take over the state government and declared that the sacred flags of the Kentucky Federal regiments ought never to pass into such profane hands. A convention was held in Louisville on August 29th, where among others were fifty-nine former Union soldiers claiming to represent every Kentucky regiment. They declared that since "the majority of the people of Kentucky have, by the recent State election, withdrawn their approval of us, and identified themselves with those who have made war against the life of the nation," they held the Democratic officials "as unfit custodians of our battle-tried banners and as persons who cannot appreciate the honor and sacredness of such a charge. . . ."[80] It was intimated that if necessary the Federal government would be asked to intervene. The *Louisville Journal* condemned this base and despicable move and warned the Radical leaders "that Government cannot take military possession of the flags of Kentucky till Government have taken military possession of Kentucky herself."[81]

Kentucky was whole soul and heart Democratic now, Federal soldiers as well as Confederate. About 70,000 white Kentuckians

[77] Aug. 6, 1867.

[78] Semi-weekly edition, Aug. 6, 1867.

[79] *Cincinnati Semi-Weekly Gazette,* March 27, 1868.

[80] *Louisville Journal,* Aug. 27, 1867; *Tri-Weekly Yeoman,* Aug. 27, 1867; *Cincinnati Commercial,* Aug. 27, 1867; *Cincinnati Semi-Weekly Gazette,* Aug. 27, 1867.

[81] Aug. 27, 1867.

fought in the Union armies, yet the Radicals polled only 33,000 votes. Balancing those who did not return against the civilian element in the Radical Party, one is forced to the conclusion that a majority of the Federal soldiers voted the Democratic ticket or did not vote at all.[82] The Conservatives, having suffered two crushing defeats, now became convinced that the state was unalterably Democratic, and joined in the faith. Bramlette on going out of office had said that the Confederates had grievously erred, "but as greviously have they atoned for that error"; and Governor Helm, coming in, showed his appreciation of Bramlette's sentiment by saying, "Gallant as a soldier, he was magnanimous as a Governor; brave in the field, he was generous in peace."[83]

Sentiment almost everywhere was against the Radicals; their lot was truly a hard one. They were pariahs in the land. "Social ostracism, business proscription, political explanation, suits at law, mobs, and even death itself, these are the evils that ever take a Union man in this the place where the last lingering rays of liberty remain"—thus did one sufferer describe his woes.[84] They were persecuted in a hundred ways, galling and almost unendurable. One Radical asked whether it was not persecution "to have combinations formed to ruin you in business, to exclude you from society, to turn you out of your houses of worship, to compel you to send your children to school to rebels, or to go to the expense of private teachers?"[85] They were hissed down in many places and utterly despised everywhere.[86] One grown gray in what he

[82] For the interesting incident of former Federal soldiers firing cannon in Louisville to celebrate the Democratic victory in Indiana see *Kentucky Yeoman,* Nov. 3, 1868. It was freely admitted by the Radicals that the former Federal soldiers were largely Democrats. As one saw it, "Politics, business, society, law, all being in the interests of the rebels, why should not the people become rebels." *Cincinnati Semi-Weekly Gazette,* Jan. 14, 1868. Some estimated the number at 25,000. *Lexington Observer and Reporter,* Feb. 13, 1867. See also *Louisville Journal,* Aug. 27, 1867. The *Tri-Weekly Yeoman,* May 30, 1867, said, "The great bulk of the soldiers from Kentucky were in the Federal army, and these, with a very few exceptions, are as much opposed to the present regime as are those who were in the Confederate army."

[83] *Lexington Observer and Reporter,* Sept. 7, 1867; *Cincinnati Semi-Weekly Gazette,* Sept. 9, 1867.

[84] *Cincinnati Semi-Weekly Gazette,* Dec. 31, 1867. "Trade cannot flourish well where the people allow their political differences to degenerate into a strife which if not settled in blood is kept up in hate, and expressed in each party, society, and community ostracising the other. . . . Men of the different parties allow politics to determine their social relations, and not only these, but even their religion." *Cincinnati Gazette,* Nov. 13, 1866.

[85] *Ibid.,* Feb. 2, March 13, Aug. 21.

[86] *Cincinnati Commercial,* April 27, 1867; *Cincinnati Semi-Weekly Gazette,* Sept. 3, 1867.

had considered patriotic service now complained that "Instead of receiving the Praises of my old friends for my good faith to our government They Point at me and Say thare goes an old Radical."[87] A Lexington editor thus explained the background of Radicalism: "Wherever in Kentucky or the South you fine a fertile soil and evidences of culture, wealth and intelligence—you find the Radical party weak—except in cities, where Northern merchants, mechanics and adventurers have immigrated."[88] Many of them felt as if they had lost their last friend and rather than be utterly crushed, joined the Democrats.

Added to the woes thrust on them by their state government and by their neighbors was the feeling that the Federal government had virtually deserted them. A Radical charged that "For the last two years strange and unaccountable events have been transpiring in our midst, men who had been devoted to the government throughout the war whose heads had become gray in its service and because they continued so after the war, and refused to bow to the rebel Democracy, have been thrust from office, for the benefit of men, whose sympathies were and are now against the country."[89] A Kentuckian wrote Joseph Holt that Union men were "thoroughly hopeless and prostrate in Kentucky seeing no hope of relief or change" and that they were "the victims of false legislation, and false philanthropy, and the niggers are only a little lower than Union men."[90]

Happenings in Kentucky were becoming more and more interesting to the country at large, and estimates of what manner of people must live there were being made. They were surely different from other people. There "Petroleum Vesoovius Nasby" got inspiration for his *Ekkoes from Kentucky* and found the postoffice of "Confedrit X Roads," observing at the same time that the "waves uv Ablishnism rolled over other States, but against Kentucky they struck harmless. Kentucky is a brite oasis in the desert."[91] One traveller found state pride more highly developed than in any other state he had ever known. He noticed "that some of the Kentucky papers claim Lincoln, Jeff Davis, Sidney Johnson, and several other names that are national property, for

[87] *Holt MSS.*. LV, 7623. C. C. Green to Holt, March 1, 1867.
[88] *Lexington Observer and Reporter,* Feb. 20, 1867.
[89] *Holt MSS.,* LVI, 7752. J. Moore to Holt, June 13, 1867.
[90] *Ibid.,* LVIII, 7982. J. W. Kincheloe, Jan. 13, 1868.
[91] P. 247.

themselves."[92] Another found that "In the estimation of the rebel population in this State, the United States is only a small fractional part of the Empire of Kentucky."[93] The editor of the *Cincinnati Gazette* observed of his neighbors to the southward, "There is no need to disparage the rest of the world to beslabber Kentucky. But there is one virtue a Kentuckian has—an unbounded opinion of the superiority of his own State, its men, women, horses, cattle, asses, mules, and everything in it. He never allows that anything is equal to Kentucky. His highest praise is that it is next to that in his own State."[94] Perhaps, it was not so surprising after all, then, that Kentucky waited until after the war was over to secede from the Union.

The Confederates were in control and the people liked it; they cared not what outsiders thought or said. Since the end of the war there had been signs of growing impatience with Kentucky's course of action, both on the part of certain Kentuckians, themselves, and of certain interested parties out of the state. A month after Appomattox, a Kentuckian declared that the state had been forced against her will to support every measure "adopted by the National Head to crush treason since the war began."[95] Another one said later, "Stuart Robinson is her representative in religion, Garret Davis in politics, and John Morgan in Heroism! This is Kentucky, just as she is."[96] "To make her loyal, you must colonize loyalty within her borders" observed a traveller.[97] The schools of the state were in the hands of Confederates, as, indeed, were all the other activities. The Kentucky Military Institute, now under a former Confederate colonel, had recently celebrated Clay's birthday without a United States flag and with the cadets dressed in uniforms of Confederate gray.[98] Kentucky was even

[92] *Cincinnati Semi-Weekly Gazette,* Aug. 27, 1867.

[93] *Ibid.,* Aug. 9.

[94] Oct. 1, 1867. Semi-weekly edition. To set the world aright on the matter of rebels, the following dispatch was sent to the *Cincinnati Gazette,* August 21, 1866: "We fear down here that some of you people are inclined to think that after all a rebel is a tame and domesticated animal; that he is neither wolf, lion, nor wild cat, and disposed to be very mild tempered, very forgiving, and very sociable—mixing as freely and living as delightfully with the Union people as he ever did in 'old lang syne'." The correspondent informed them of their mistake.

[95] *Ibid.,* May 10, 1865.

[96] *Ibid.,* Nov. 22, 1866.

[97] *Ibid.,* Feb. 2.

[98] *Cincinnati Commercial,* April 27, 1867. It was true that there had been no flag at the celebration; however, gray was the conventional color and was in use at West Point.

a haven for Democratic carpet-baggers from other states.[99] What would the state eventually come to if it were allowed to go on? The utter insolence of Kentucky Confederates was galling: "Forgive a South Carolina rebel and he'll behave himself and thank you; forgive a Kentucky rebel and you persuade him that you were afraid to do otherwise."[100] One Confederate in facetiously commenting on the last Democratic victory, hit the thought that was in the minds of many Radicals. "Unless the National Congress reconstruct the rebellious old state," he said, "there is no telling to what extent this Democratic party will carry its disloyalty."[101]

Reconstruction as a remedy was, in fact, coming to be considered by many Radicals. Why should the spirit of secession and rebellion go unrestrained in Kentucky while it was being so effectively dealt with in the old Confederacy? In the eyes of the *Cincinnati Commercial,* "Kentucky needs reconstruction more than Georgia or Mississippi. In either of the latter States a Radical candidate for Governor would be accorded a respectful hearing. . . . But in Democratic Kentucky the old intolerant pro-slavery spirit still lives, and given full course to run and be glorified it would drive out every Union man in the State."[102] The Congressional election, in which the Democrats had swept the state, was a particularly powerful argument for taking the state in hand. Many Kentucky Radicals now, carried forward by an unrequited ambition for office, either oblivious to the baleful effects of reconstruction in the South or caring not, called for the same system of misrule and revenge to be extended to their own state—a rare instance of people deliberately inviting the withering hand of tyranny. If they could not rule a free people through popular favor, then they would rule slaves through force.[103] Thus, at least, could Democratic majorities be prevented. Garret Davis poured out his bitter denunciation of them, calling them "unclean birds" in one breath and in another "Treasury rats," who were always officeseekers "that have not the ability, character, and popularity to obtain office and salary by popular suffrage, who

[99] *Cincinnati Commercial,* July 22, 1869.

[100] *Ibid.,* April 27, 1867.

[101] *Breckinridge MSS.,* 1867. Milford Overley to W. C. P. Breckinridge, Aug. 10.

[102] April 22, 1867.

[103] *Tri-Weekly Yeoman,* June 1, 1867. Not all Kentucky Radicals wanted the state reconstructed. The *Commonwealth,* representing the better element of the party, did not lend itself to this movement.

hovered upon the skirts of the Army during the war, and wish that army to be organized again that they may still feed and fatten upon its offal. . . ."[104]

Sam McKee, defeated for Congress, raised the hue and cry immediately after the election for the reconstruction of the state. "Kentucky needs reconstruction, and must have it," he said. "She is today the most disloyal of all the States. Today she is more hostile to the national authority than any other State. Today she openly and flagrantly defies the laws of the nation's Congress." "Why should Congress treat Kentucky different from any rebel State," he inquired. "The mistake of the administration was treating her thus during the war."[105] Petitions were actually circulated for signatures, begging Congress to include the state in the reconstruction acts.[106] To have been consistent she should have seceded with the other Southern States, in which event "she would have been whipped with them, and now permitted to enjoy the privileges and immunities of the Reconstruction Act."[107]

The average Kentuckian saw the situation in quite a different light. The state had been maligned and traduced since the day the war began and even before—never had her efforts been appreciated. There had been years of constant sacrifice—"sacrifice without compensation or even decent acknowledgment." Said the editor of the *Lexington Observer and Reporter*: "There is not a Northern State that has sacrificed half so much; and yet there is no loyal state with so little influence in the councils of the Nation—none to whose just complaints so little heed is given."[108] It was indeed treason to the state now to invite the further degradation of reconstruction. The *Louisville Journal* declared that McKee "would have the whole State of Kentucky punished today because the citizens of the Ninth District in the exercise of liberty of thought and liberty of speech, voted against him."[109] In the eyes of the *Louisville Courier* and of others, there was real danger of the state being thrown into the filthy den of scalawags and carpet-

[104] *Congressional Globe and Appendix*, 40 cong., 1 sess., p. 631. July 13, 1867.

[105] *Lexington Observer and Reporter*, May 22, 1867. Speech, May 15. Garret Davis referred to McKee as "a miserable, miscreant tool of radicalism, lower than any I know, who boasts to be a citizen and native" of Kentucky. *Congressional Globe and Appendix*, 40 cong., 1 sess., p. 632.

[106] *Cincinnati Commercial*, May 13, 1867.

[107] *Ibid.*, May 25. "Publius." The *Cincinnati Gazette* was also advocating the reconstruction of the state.

[108] April 29, 1865.

[109] Quoted in *Lexington Observer and Reporter*, May 22, 1867.

baggers.[110] But Kentucky was not yet dead to the call of liberty and self-government. The defiance was thrown out to the "Rump Congress" that they "may erect Kentucky into Military District No. 6; may disfranchise all the rebels; may raise to equality and place the ballot in the hands of the negroes; may send an army here to enforce their behest, and then they cannot carry Old Kentucky." The state was "inhabitated by Kentuckians" and could not "be prostituted to the despicable ends of Red Republicanism."[111]

Congress was in recess when the Kentucky Congressional election had taken place and would not meet again until July 1st. A first step toward reconstruction, and an effective method, would be to refuse the Kentucky Congressmen seats when they should arrive in Washington. Even before the election it had become plain to many Kentucky Radicals that they could not win, and plans had thus been laid to contest every seat.[112] It had been rumored that Sam McKee should be returned regardless of the number of votes he should get.[113] The *Commonwealth* said in the latter part of May, "When rebels and traitors are sent to claim seats, let those seats be promptly declared vacant; and if the people will not elect loyal men, let the seats continue vacant."[114] Soon the defeated Radical candidates were giving their Democratic victors notice that their seats would be contested when Congress met. Since in every district except one,[115] the Democratic candidates had won by majorities ranging from 3,000 to 8,000, the contests would not be based on charges of manipulation of ballots in close elections; rather the charge that rebels had voted, and such other petty accusations as that made by the Radical in the Second District against the Democrat who had defeated him were urged. According to the Radical, the Democrat had circulated the report that his opponent had withdrawn and "did, by taunts, jeers and threats of ostracism in some manner, deter and prevent legal voters who would have voted for me and against you, from casting their votes."[116]

On July 3rd, two days after Congress convened, the House refused admission to the Kentucky Congressmen and referred

[110] See *Lexington Observer and Reporter,* May 25, 1867.

[111] Editorial in *Tri-Weekly Yeoman,* May 30, 1867.

[112] *Cincinnati Commercial,* April 27, *passim,* 1867.

[113] *Breckinridge MSS.,* 1867. R. H. Stanton to W. C. P. Breckinridge, Feb. 13.

[114] Semi-weekly edition, May 31, 1867.

[115] The Eighth District, where the majority was only 300.

[116] *Lexington Observer and Reporter,* June 26, 1867. S. E. Smith to J. Y. Brown, June 12.

their credentials to the Committee on Elections "as the loyal voters . . . have been overawed and prevented from a true expression of their will and choice at the polls by those who have sympathized or actually participated in the late rebellion."[117] Shortly afterwards when it was proved that G. M. Adams, elected from the Eighth District, had been a major in the Federal army, he was admitted although his majority was only 300, whereas no majority of the excluded ones had been less than 3,000.[118]

This was the first setback the Confederate Democracy of Kentucky had sustained since it had begun its steady march to supremacy two years before. It naturally produced a profound impression, but it made Kentucky even more determined to see the fight to a finish. The *Yeoman* hoped that the Kentucky Congressmen would "make no concessions and submit to no insults upon their State; but rather leave Washington, bringing with them the consciousness of having discharged their duty in calling the attention of the people to the outrage perpetrated on the right of representation; and if the people submit it will be their own fault and their own folly."[119] The *Evansville Daily Courier,* a neighbor across the Ohio, sympathizing with Kentucky, declared that this action was "one of the grossest outrages that this infamous Radical Congress has yet perpetrated. It is not only utterly inexcusable but a high-handed and outrageous assault upon the sacred right of representation."[120] James B. Beck, one of the excluded members, believed "All this Congress wants is for us to give them a pretext to put our State down to the level of the other Southern States." Some believed that the state should refuse to pay its Federal taxes, if it were unrepresented; but Beck thought this would be unwise.[121]

The exclusion of the state from representation in Congress was only the first step in dealing with Kentucky as some of the Congressional leaders had mapped it out. Charles Sumner had no intention of playing favorites with any part of the South; and he saw in Kentucky a situation as detestable to him as in any other part of the country. In May he wrote General Brisbin that "Nothing can be more certain than that Kentucky, at this time, is with-

[117] *Congressional Globe and Appendix,* 40 cong., 1 sess., p. 468 *et seq.*

[118] He was sworn in on July 18th. *Ibid.,* 479, 511.

[119] Tri-weekly edition, July 11, 1867.

[120] Quoted in *Lexington Observer and Reporter,* July 13, 1867.

[121] *Breckinridge MSS.*, 1867. Beck to W. C. P. Breckinridge, July 11.

out a republican form of government."[122] "Why not make this the Sixth Military District, and begin reconstruction on the sacred soil of Kentucky?" had often been asked by Kentucky Radicals.[123] "Reconstruct us; this is the only loyal hope. . . . Such is the cry," declared Sumner in a speech before the Senate. "Kentucky needs reconstruction, and it is your duty to provide it. Put her on an equality with the Rebel States. Let her colored citizens enjoy the full-blown rights of citizens, and let the white Unionists there have the protection of their votes. You sent muskets once; send votes now."[124] Henry Watterson fifty years later described the situation as one where "the Hell-for-Sartin Radicals, with old Thad Stevens at their head" were "burning to lay hands upon Kentucky and to drag her under the heel of the Boa Constrictor."[125]

Radical leaders in the House were thoroughly aroused; it was not their intention to stop with the exclusion of Kentucky's representatives. Logan declared that Kentucky had a governor "who was a traitor during the whole war, a rebel against the Government of the United States,"[126] and in his mind "the only reason that Kentucky was not in rebellion was because it was too close to the border and was afraid to be, for in the hearts of a majority of its people treason rankled as it did in the hearts of the people of South Carolina. . . ."[127] Schenck, from Ohio, declared that he had "believed all along, from the demonstrations made, and the developments in Kentucky during the war and since the war, that if she had gone fairly into the rebellion, and by an act of secession had arrayed herself with what was called the 'southern confederacy,' and been whipped back into her place, she would have been in a very much better condition than she actually is now."[128] On July 15th, the House passed a resolution instructing the Judiciary Committee to inquire into whether Kentucky had a republican form of government.[129]

[122] *Cincinnati Commercial,* May 31, 1867.

[123] *Cincinnati Semi-Weekly Gazette,* Aug. 9, 1867. "Congress has passed certain laws for the government of rebels. Why exclude rebels in Kentucky or in any other State from their benefit?"

[124] *Charles Sumner His Complete Works* (Boston, 1900), XV, 201; *Congressional Globe and Appendix,* 40 cong., 1 sess., p. 482. July 5, 1867.

[125] *Courier-Journal,* Aug. 7, 1918. See also *Reminiscences of Duke,* 219-222.

[126] *Congressional Globe and Appendix,* 40 cong., 1 sess., 470. July 3, 1867. Logan was referring to Helm who had not only not yet been inaugurated, but who had not yet even been elected. He was at this time the Democratic candidate.

[127] *Ibid.,* 472.

[128] *Ibid.,* 477. July 3.

[129] *Ibid.,* 656. Delaware and Maryland were also included in the resolution.

This move shoved the state to the very brink of that pit of desolation into which the states of the old Confederacy had been cast; yet she had not gone over and when Congress adjourned on July 20th there was at least something for Democratic Kentucky to be thankful for. "Congress met and adjourned.—," said a Lexington editor. "Kentucky is not under Military Government. Disappointed indeed are the Kentucky Radicals."[130] But the sensation of being so close did not have a very strong appeal. Governor Bramlette in his final address before leaving office said, "These 'reconstruction' tinkers have denied Kentucky Representatives their seats in Congress, and menace us with military government and 'reconstruction.'—They have adopted a resolution in Congress to inquire whether Kentucky—the first born in the Union, received under the administration of Washington—has a 'Republican form of government.' "[131] The *Yeoman* sarcastically and bitterly observed that "For sixty-five years she was considered a State worthy of being in the Union by the great men who have lived during her existence. But it is now found out by the Colfaxes and Kelseys, the Schencks, and Skunks, of the present Congress, that she is not republican in form or in practice."[132] Garret Davis in a bitter attack on Sumner said, "Sir, how majestically the Senator from Massachusetts speaks of reconstruction, and reconstructing Kentucky! The loyalty of Kentucky to the Constitution of the United States, and to the Union under that Constitution, now and heretofore, would shame that of Massachusetts; and in its extent, its intensity, its purity, and its universality among the people, is incomparably greater than that of this old and most malcontented, insubordinate, seditious, and traitorous State of Massachusetts. . . . If justice could overtake the States of this Union, Massachusetts would be reconstructed and brought to greater shame than even South Carolina."[133]

The likelihood of military reconstruction if the Democrats should win had been urged just before the August election (1867) by the Conservatives as a strong reason why the people should support their ticket. Jacob asked "If Helm is elected and Congress chooses to suppress him, and place a military Governor

[130] *Lexington Observer and Reporter,* July 27, 1867.

[131] *Ibid.,* Sept. 11.

[132] Tri-weekly edition, July 18, 1867.

[133] *Charles Sumner's Works,* XV, 201; *Congressional Globe and Appendix,* 40 cong., 1 sess., 632. July 13, 1867.

over the State, has he the power to prevent it? Will he dare resist the Federal Government by force? And if he does, will not the State be crushed and Helm with it?"[134] In answer to such argument the *Louisville Journal* declared that the "radicals of Congress are not too good to make" the attempt, "but in all probability they are too smart."[135] Some of the extreme Radicals even threatened to take forcible possession of the government if they were defeated in the voting.[136] As has been noted the Democrats overwhelmingly carried the state. The next day Prentice issued the warning: "Let those violent Radical leaders, who have been uttering threats as to what would be done in the event of the triumph of the Kentucky Democracy at the polls, consider well before they attempt to inaugurate a reign of confusion and turmoil. They know that Kentucky is overwhelmingly anti-Radical, and, if they have the slightest claim, in justice to the character of good citizens, they will submit with quiet resignation to the will of the State."[137] The more impetuous would gladly seize the gauntlet if it were thrown down. A bill had been introduced in the legislature in January (1867) for raising ten regiments for resisting aggression;[138] and later a fiery Confederate declared that if Congress wanted trouble it could have it, for he would raise a Confederate company, who had "lost neither their love of liberty nor their courage, and should it become necessary to resist the usurpations of Congress, they will not be backward in doing their duty."[139]

The Judiciary Committee was slow to make its inquiry into the Kentucky situation, actuated with the feeling no doubt that Congress had problems enough already, and not through a lack of support from the Kentucky Radicals.[140] One of them who claimed he had been displaced in the mail service by a Confederate said, "I do hope that Congress will take care of Kentucky and her Rebel Legislature."[141] Immediately after the Democratic victory of August (1867) the Radical leaders set to work secretly to hand

[134] *Louisville Democrat,* July 27, 1867; also quoted in *Tri-Weekly Yeoman,* Aug. 1, 1867.

[135] June 29, 1867.

[136] *Lexington Observer and Reporter,* Aug. 3, 1867.

[137] *Louisville Journal.* Aug. 6, 1867.

[138] *Cincinnati Commercial,* Jan. 18, 1867.

[139] *Breckinridge MSS.,* 1868. Milford Overley to W. C. P. Breckinridge, Feb. 11.

[140] *Cincinnati Commercial,* Oct. 2, 1867.

[141] *Holt MSS.,* LVII, 7875. C. C. Green to Holt, Sept. 18, 1867.

the state over to Congress to be duly shackled with the chains of reconstruction and restored to them to rule. James M. Ogden wrote Joseph Holt in Washington for aid and comfort, about the middle of August, and told him of their desires: "The matter of having a consultation (private) of Union men, at some point, say Lexington, has been talked of by Hon. Sam McKee, Judge Goodloe, Chas. Eginton, myself & other Union men, in this region; but we hardly know what to do. The difficulty seems to be, uncertainty of what Congress will do for Ky. Will Congress reconstruct us? If we make a move for it, and Congress will not back us up, we shall be in a very bad condition. There is moreover, great personal danger to those who advocate the measure. Unless however, Ky. is reconstructed no Union man who has been active or prominent can live in the state. What do you advise us to do?"[142] As the Judiciary Committee made no move in the Kentucky inquiry, Ogden wrote Holt in October that he believed that the latter could render no greater service to Kentucky than to use his influence with the "Committee on Republican form of Govt. in Ky." "I feel satisfied," he said, "that it is only by Reconstructing us here on the basis of a report by said committee, that we can be politically saved here." The committee should set to work immediately and not wait for a report on the excluded congressmen. "Be so good as to urge them up," he begged. "There will be no trouble if they will come to Ky.—say to Louisville or Lexington—to furnish the names of proper persons, good & reliable Union men who will I think make out a clear case if they are examined."[143] With all the pleading and offers of support that came from the Kentucky Radicals, the committee never acted.[144]

But the cases of the excluded Congressmen had to be disposed of, and the Committee on Elections sent a sub-committee to Kentucky where it held hearings in Louisville and Lexington.[145] Congress reconvened on November 21st and soon the business of settling the question of the Kentucky Congressmen was up. On December 3rd, James B. Beck, Asa P. Grover, and J. Proctor Knott, all Democrats, were seated, and they immediately began the

[142] *Holt MSS.*, LVII, 7844. Aug. 17, 1867.

[143] *Ibid.*, 7898. Oct. 22, 1867.

[144] *Louisville Journal*, Nov. 22, 1867. "There was no valid pretence at hand for overthrowing the machinery of the State government, though there was every evidence of a desire to do so." Battle, Perrin, and Kniffin, *Kentucky*, 473.

[145] *Cincinnati Semi-Weekly Gazette*, Oct. 15, 1867; Collins, *Kentucky*, I, 182; *Cincinnati Commercial*, Oct. 16, 1867.

fight to seat their colleagues.[146] On December 4th, Thomas L. Jones gained admittance; and on the following day J. S. Golladay was seated.[147] On January 10th, L. S. Trimble, the Democrat, was declared winner over his Radical contestant.[148] Sam McKee, the champion of Kentucky Radicals, although receiving almost 1,500 fewer votes than his Democratic opponent, was seated from the Ninth District, and became the lone Radical from the state.[149] Neither contestant was seated from the Second District, where John Young Brown had received more than a 6,000 majority over his opponent. The House resolved that Brown "having voluntarily given aid, countenance, counsel, to persons engaged in armed hostility to the United States" was not entitled to the seat, and it notified the governor of Kentucky of the vacancy and asked for a new election.[150] Governor Stevenson declared that the refusal of Congress to seat Brown was unconstitutional and that, therefore, no vacancy existed. He refused to act.[151]

The outcome of these contests was a distinct victory for the state of Kentucky. It definitely marked the end of the movement to reconstruct a state that had been in the Union for more than three-quarters of a century. It spelled doom to the hopes of the Radicals, who were thus deprived of an easy road to victory through Congressional interference. Even before the contests had been settled one Radical sized up the position of the Confederates thus: "Crushed in the field only two years ago, they have already made their infernal treason and gray coats more respectable in half the States of the Union than loyalty and the blue jacket; and they confidently hope, within the next two years, to give terms to their conquerors."[152]

One melancholy incident which afforded the means of making the Democratic victory more complete was the death of Elijah Hise by his own hand four days after his election. He left this note: "I have lost all hope in being able to aid in saving the country from impending disaster and ruin. . . . I am enfeebled by the infirmities of age and disease. I am weary of the world, and

[146] *Congressional Globe,* 40 cong., 2 sess., part 1, p. 13.

[147] *Ibid.,* 27, 61; *Congressional Globe and Appendix,* 40 cong., 1 sess. 782-784.

[148] *Congressional Globe,* 40 cong., 2 sess., part 1, p. 452.

[149] *Ibid.,* part 4, p. 3375.

[150] *Ibid.,* part 2, pp. 1161, 1200. Feb. 13.

[151] Collins, *Kentucky,* I, 188. Brown served a number of terms in Congress later and was elected governor of the state.

[152] *Cincinnati Commercial,* Oct. 16, 1867.

intend to leave it. I am sick at heart and resort to death for relief."[153] On January 24, 1868, a resolution was passed by the House declaring that it heard "with profound regret and sorrow of the melancholy death of one of its most distinguished members, Hon. Elijah Hise, of Kentucky."[154] The Kentucky delegation took this occasion to praise his fight against Radicalism. Although Hise had never been a member of the Senate, Garret Davis introduced resolutions praising his life and deploring his death, which were adopted. The Senate then adjourned in his memory and wore mourning for thirty days.[155]

Although the state had won the victory in the election contests, still so serious an attempt upon the rights of a state should not go unrebuked. The Kentucky legislature would have early uttered its protest had Beck not advised Governor Stevenson against the procedure until the contests were settled.[156] On March 9, 1868, resolutions were passed arguing at great length the unconstitutionality of the attempt of Congress to fix qualifications not set down in the constitution. It was "nothing less than a usurpation culminating in a violation of vested rights, and an assault upon the liberty of a free people. . . . If this Congress may apply, through an oath of office, a test of present or past political sentiments, another Congress, controlled by the devotees of the Grand Army of the Republic, may require that each member shall swear to having actually served a specified term in the army or the navy. . . . In the name of an injured and outraged people, we do most solemnly and earnestly protest against such action, which if persisted in, and established as the policy of the Government, will render the elective franchise a farce and what we have been taught to regard as constitutional liberty but a solemn mockery."[157]

The crisis in the political affairs of the state's post-bellum period was, thus, successfully passed. The state was to be left alone to work out her own salvation, politically, economically, and socially.

[153] *Congressional Globe*, 40 cong., 2 sess., part 1, pp. 732, 733; *Lexington Observer and Reporter*, Dec. 4, 1867.

[154] *Congressional Globe*, 40 cong., 2 sess., part 1, p. 744. This was an unconscious admission that Hise had been a member, though he had never presented himself to take his seat.

[155] *Congressional Globe*, 40 cong., 2 sess., part 1, pp. 732, 733.

[156] *Stevenson MSS.*, XXVIII, Dec. 7, 1867.

[157] *Acts of Kentucky*, 1867, pp. 84-88; *Congressional Globe*, 40 cong., 2 sess., part 3, p. 2133; *Annual Cyclopaedia*, 1868, p. 404; Collins, *Kentucky*, I, 188.

CHAPTER XVI

THE NEGRO, THE FREEDMEN'S BUREAU, AND ORGANIZED VIOLENCE

The negro as a slave was no greater problem for Kentuckians than he was as a freedman. From the first day of the war slavery began to crumble and disintegrate, and the difficulty of enforcing the slave code increased. As a result, toward the end of the struggle, the system of laws and rules for the management of slaves came to be largely out of date.[1] A few days before the Thirteenth Amendment had been promulgated by Seward, an unsuccessful effort was made to repeal the whole slave code, so completely demoralized had the slaves become.[2] Further efforts became unnecessary after December 18, 1865, when the Thirteenth Amendment became operative. But did the negro now automatically succeed to all the civil rights and privileges of the whites? He was certainly unprepared for such a sudden change. Some believed that now without further action he fell into the class of free blacks and succeeded to whatever rights they had enjoyed;[3] others held that a new code to regulate wages and labor, similar to those which the other Southern States had passed, should be adopted.[4] The matter was finally settled by the repeal of the old slave code and the enactment of a code of positive rights which should belong to the freedman. He was given all the civil rights enjoyed by white persons, with the exception of sitting on juries and testifying against whites.[5] This code was largely drawn from

[1] Such changes as these were agitated: That masters should not be required to take care of slaves who voluntarily left; that jailer's fees for runaways be abolished; that contracts might be made with itinerant slaves; and that rewards for fugitives be no longer offered. *Cincinnati Gazette,* Jan. 28, Feb. 11, 1865.

[2] *Ibid.,* Dec. 12.

[3] *Lexington Observer and Reporter,* Jan. 13, 1865; *Cincinnati Gazette,* Feb. 12, 1865.

[4] *Lexington Observer and Reporter,* Nov. 8, 1865.

[5] *Acts of Kentucky,* 1865, chs. 563, 603; *Lexington Observer and Reporter,* June 19, 1867; Collins, *Kentucky,* I, 170; *Cincinnati Gazette,* Feb. 22, 1866. The punishments for each race were the same except for rape on white women. The homestead exemption of $1000 was to apply to white persons only. *Acts of Kentucky,* 1865, p. 31. Feb. 10, 1866.

the previous legal experience of the state. It set up no new rules on vagrancy and apprenticeship; the laws already in existence on these subjects were deemed sufficient for the freedman.

The condition of many of the negroes in Kentucky, free and near-free, during 1865 excited pity, and with the coming of freedom to all at the end of the year, the situation grew steadily worse. As a proof of that freedom the innocent and benighted blacks set themselves into motion, cutting loose from all former connections and means of support and wandered aimlessly toward town and city. Conceived in the spirit of helpfulness and in the feeling of a bounden duty to the negro, the Freedmen's Bureau had been set going a month before Appomattox. Although designed for only those states "declared to be in insurrection," it was extended to Kentucky on December 26, 1865, by including this state in the Tennessee District.[6] Clinton B. Fisk was placed in charge as Assistant Commissioner, and before the end of the year he had set up his headquarters at Louisville.[7] Soon the activities of the bureau were extended over the state and food and fuel were being distributed among the needy.[8] With the passage over the President's veto of the supplementary Freedmen's Bureau Act on July 16, 1866, the powers of the organization were greatly increased. It was now made a sort of super-state, taking the freedmen completely under its protection, exercising judicial functions, and holding the army in readiness to enforce its orders. Military posts were maintained at Lexington, Louisville, Maysville, Covington, and at other towns, and small groups of soldiers were scattered widely over the state.[9]

One of the most helpful services the Bureau sought to perform was to stabilize labor conditions. The wandering negro had to be stopped and made to see that freedom did not mean idleness and vagrancy. This was a difficult task which was long in being successfully met. Among a considerable number of the freedmen there was a spirit of industry and a balanced understanding of conditions. They were now willing to come to terms with their former masters, live in their same old shanties, and receive money for their labor, and there was a tendency for the farmers to work to-

[6] *Lexington Observer and Reporter,* Jan. 3, 1866; *Cincinnati Gazette,* Jan. 1, 1866; Collins, *Kentucky,* I, 167.

[7] *Cincinnati Gazette,* Dec. 30, 1865.

[8] *Ibid.,* Jan. 10, 1866.

[9] *Lexington Observer and Reporter,* May 9, 1866; *Cincinnati Gazette,* May 2, 1866.

gether in solving the labor question. In some places scales of wages were set up and the general nature of contracts with freedmen systematized.[10] The farmers of Franklin County were fortunate in coming to terms with the negroes for the spring and summer of 1866. They met in Frankfort on December 30, 1865, petitioned the legislature to stabilize the status of the negro by repealing the slave code, and decided upon a scale of wages. Male hands were to receive $100 to $150 a year, while females were to be given $50 to $100.[11]

With good intentions to begin with but with bad management and judgment, the Bureau now assumed control of the negro workmen, and supervised the making of his contracts with his former master.[12] It not only made the negro suspicious of his white neighbors by offering him questionable advice, but it thereby greatly compromised its own usefulness. It became still more unpopular when it brought suits against former slave-owners to recover wages from them for the wives and children of negro soldiers on the ground that enlistment had conferred freedom.[13] The good beginning toward a mutual understanding between the negro and his former master was thus rudely upset and the state was treated to years of labor chaos.[14]

The farmers found it increasingly difficult to deal with the negroes, controlled as they were by the Bureau. The freedmen were led to believe that they were indispensable, and that their labor must be contracted for on their own conditions. Said one observer, "The negro has felt that he is necessary to those wanting labor, and his demands and his extortions have risen in proportion to his supposed necessity, while his efficacy and reliability has decreased in equal ratio."[15] Negro domestic servants with their new ideas became scarce and worthless. A Lexington newspaper editor stated that "If by chance a competent servant with good disposition is engaged, the 'spirit of freedom' or the suggestions of

[10] *Cincinnati Gazette,* Jan. 6, 12, 1866.

[11] *Ibid.,* Jan. 1, 6, 1866.

[12] *Semi-Weekly Commonwealth,* Feb. 8, 1867.

[13] Battle, Perrin, and Kniffin, *Kentucky,* 475.

[14] The Bureau by 1867 seeing how completely it had turned the negro against his former master, sought to stay the movement short of working to the positive detriment of the freedmen. It issued a circular counselling the negroes to remain with their former masters and employers "most of whom it is observed, need their services, and are doing well by them." *Semi-Weekly Commonwealth,* Feb. 8, 1867.

[15] *Lexington Observer and Reporter,* Aug. 3, 1870.

evil minded teachers of her own race soon render her discontented, and in a few weeks she seeks a new home."[16]

But the compelling need for workmen and the unreliability of the negro soon began to force the state to turn to other solutions. If black men would not work, perhaps white men would.[17] Slavery had never so completely predisposed white people against manual labor in Kentucky as it had in some of the other Southern States; in Kentucky a person might work with his hands and still remain a gentleman. As slavery had not completely covered the state, there had grown up a respectable class of white laborers. Might not the supply be replenished from these? It was attempted. At some places it succeeded, at many it did not. Idleness was not a trait of the freed black alone. To those who would not work because they were too proud, were added those who were too lazy and shiftless. Lexington authorities explained that there were too many idle whites and blacks there, and to solve the situation they believed laws ought to be passed forcing both classes to go to work.[18] Thousands of young men in the state were idly wasting their time, "acquiring expensive and vicious habits, who might, if they would only put away their silly and unworthy idea that farming is not 'genteel' in a short time learn thoroughly everything pertaining to husbandry."[19]

It was soon seen that the white labor supply in the state was far from being adequate or willing to fill the needs. But there were great numbers of people, everybody knew, outside the state and in foreign countries who were too anxious to work to be begged to take a job. In the latter part of 1865, Governor Bramlette suggested the possibility of attracting immigrants,[20] and this idea brought about wide discussion.[21] It was also felt that this thing would be an effective weapon to use in bringing the refractory negroes to terms, who after receiving the suffrage became even more ungovernable. "Since the negro has turned politician he has got to be more unreliable than ever," said a Georgetown newspaper editor. "Political adventurers and office-seekers have done the negro a great injury, but the negro will listen to the bad coun-

[16] *Ibid.*, March 12. 1869.
[17] *Ibid.*, Dec. 9, 1865. Message to the legislature.
[18] *Ibid.*, Feb. 13, 1869.
[19] *Ibid.*, Feb. 10, 1869.
[20] *Ibid.*, Dec. 9, 1865. Message to the legislature.
[21] *Ibid.*, July 10, 1867; *Cincinnati Semi-Weekly Gazette*, Jan. 1, 1869.

sel of these men rather than to the men who really have his interest at heart."[22] A Lexingtonian argued that if the negro laborers could "afford to be impudent, insolent and factious, stop work when they please, work against the interests of their employers, and even go so far as to allow themselves to be made the tools of bad white men and proceed to burn and destroy the stock, crops and property of the men who support them, then their employers can afford to dispense with their labor altogether and supply their places with honest and industrious white men."[23] Apart from the feeling that the negro as a workman was almost worthless and was steadily becoming more so, there was an actual labor shortage. From 1860 to 1870 the negro population had actually decreased almost six per cent.[24]

Immigrants should be attracted from any quarter whatsoever; and if some of them did not care to work as hired laborers, there were many Kentucky farmers who would solve their labor difficulties by renting their land.[25] In many counties the farmers held meetings to devise means to attract white laborers. Some would send agents to New York and to other large Northern cities, where they expected to draw from the surplus workmen. They hoped to secure them for $15 the month.[26] The Germans in Louisville, interested in attracting more of their kind to the state, lent a hand in the movement. In 1866, 105 Germans passed through Columbus, Ohio, on their way to Kentucky.[27] The Fayette Farmers' Club succeeded in attracting a few English, Scotch, and Irish laborers.[28] The almost unlimited labor wealth of China, which had already begun to flow to America, suggested itself to the Kentuckians. As Chinese coolies were already being used in Louisiana, it was thought that they would be adapted to Kentucky also. They would be more tractable than other immigrants, and with the vision of a yellow horde coming, the negro might be scared into being a more useful workman. In fact this seems to have been one of the main motives behind the Chinese movement. The *Lexington Observer and Reporter* held the Chinese coolies

[22] *Georgetown Weekly Times,* Aug. 10, 1870.

[23] *Lexington Observer and Reporter,* Aug. 10, 1870. Editorial.

[24] *Ninth Census, Population and Social Statistics.* x, 330. Also see *Hunt's Merchant Magazine,* LXII (1870), 115-118.

[25] *Lexington Observer and Reporter,* Aug. 31, 1867.

[26] *Ibid.,* Feb. 8, 1868; Aug. 17, 1870.

[27] Collins, *Kentucky,* I, 234; *Cincinnati Gazette,* March 20, 1866.

[28] *Lexington Observer and Reporter,* Sept. 7, 1870.

up before the negro and remarked that it "would be well if Pompey and Sambo take warning by the march of events of this kind and abandon their suicidal habits and go to work with a will. . . . The tune then will not be 'forty acres and a mule,' but it will be 'work nigger or starve.'"[29] The Radicals opposed the bringing in of Chinese as it would operate against the interests of the laboring man;[30] but they undoubtedly also felt that it would loosen their control over the negro.

As private institutions could make little headway in attracting immigrants, the state was called upon to set up an immigration bureau which should publish information about the state and scatter it about over Europe and send agents to New York and abroad to direct the new-comers to Kentucky. Governors in almost every message to their legislatures advocated an immigration bureau, and much discussion took place in the legislative bodies; but all bills looking toward action were consistently defeated.[31] Popular speakers dwelt on the great advantages of immigration;[32] and the great Commercial Congress in Louisville in 1869 devoted much attention to the subject. It estimated that every immigrant was worth $1,500 to the state.[33] As late as 1872 a determined effort was made to pass an immigration bill but it failed.[34] With all the agitation to bring in foreigners, only a few more than 3,500 entered the state during the decade from 1860 to 1870.[35]

Agitation for Chinese coolies and other foreigners as well as for Northern laborers had very little effect in causing more workmen to enter the state, but it did make much better laborers out of the negroes already there. A wholesome fear soon began to spread among them that they might be supplanted, and a much more anxious attitude was assumed. Farmers found it much easier to make contracts with them. A negro convention in Louisville in July, 1869, advised "the young men and youth of our State" to "learn trades and engage in agricultural pursuits as a proper mode of supporting themselves and giving encouragement to mechanics and agriculture, and by all means to procure homes for themselves

[29] Oct. 30, 1869. See also July 12, 1869.

[30] *Weekly Commonwealth,* July 23, 1869.

[31] *Cincinnati Gazette,* March, 1866, March 12, 1869; *Annual Cyclopaedia,* 1870, p. 427.

[32] Collins, *Kentucky,* I, 200.

[33] *Cincinnati Semi-Weekly Gazette,* Oct. 19, 1869.

[34] Collins, *Kentucky,* I, 223.

[35] *Ninth Census, Population and Social Statistics,* 299.

and families."[36] The next year in a Frankfort meeting the negroes voiced their strong opposition to bringing Chinese into the state "for the purpose of supplanting us as a laboring class, and placing us in a false light before the world as unworthy," and resolved to "earnestly recommend to our people industry, economy and a faithful observance of contracts when correctly and strictly made. . . ." They looked "with distrust upon all parties who would thus supplant us, when our labor and that of our ancestors have made them rich and opulent."[37]

The negroes of Fayette County held a meeting where they made it plain that they stood ready to enter into contracts with farmers "for we have been raised to work, and it don't go hard with us." They told their former masters that God had blessed them "with strong arms to till your fields, and if you will give us work to make a living, we will make Fayette a blessing."[38] They appointed one of their number to be a labor agent through whom they should receive jobs from the white people looking for laborers. Many blacks willing to work were present at the meeting and all adjourned "with the understanding, that if there was any fault found this year, it shall not be on the part of the colored men."[39] The negroes who were ex-soldiers maintained a labor agency and "Intelligence Office" as they termed it. Pointing with pride to their industry, they declared they had sent a laborer "into every cornfield and almost every occupation of trust in Kentucky." It secured jobs for 3,000 negroes during the first half of 1869. These negroes set August 20, 1869, as a day of thanksgiving for the good treatment they had received at the hands of the whites. In a report of their progress they stated that "the colored men have labored better, and farmers have treated us better, and God has blessed them all better." With an air of having almost forgotten something they attached to the end of the report: "P. S.—Let us praise the Lord for his blessing."[40] The whites reciprocated this feeling of friendship and coöperation by contributing bountiful supplies of beef, hams, flour, and other provisions for the thanksgiving celebration.[41]

[36] *Cincinnati Semi-Weekly Gazette*, July 26, 1869. See also *ibid.*, Jan. 1.
[37] *Lexington Observer and Reporter*, Feb. 26, 1870.
[38] *Ibid.*, Dec. 26, 1868.
[39] *Ibid.*, Dec. 30.
[40] *Ibid.*, July 17, 1869.
[41] *Ibid.*, Aug. 14.

The hand of the Freedmen's Bureau had not entered into these proceedings, and this explains largely the good relationships that were growing up. Without the meddling of the Bureau and with a more reasonable attitude on the part of the white people to changed conditions, almost complete understanding and accord must have grown up between blacks and whites. But the blame was not all on one side. A Shelby County farmer was frank to state that he believed the farmers of the state showed a too "stubborn indisposition to accept their present situation" and the "prejudice of previous habits."[42]

The Bureau brought down upon its head the greatest condemnation when it entered into the realm of a dispenser of justice and censor and rival of the state courts. As negroes were not allowed to testify against whites, it kept a constant watch over cases in which the former were involved and often brusquely brushed aside the state courts and assumed jurisdiction. On taking command Fisk had announced that "Freedmen's Courts" would be established for the protection of the negroes and for the following months these courts found much business to do.[43] It was this activity that had done much to scare the legislature into granting the negro civil rights and abolishing the slave code.[44] The chief reason the Bureau now had for interfering with the state courts was the legal incompetency of a negro to be a witness against a white person. No case in which a negro was concerned was too insignificent for the Bureau to take notice of. A Doctor Keller in Louisville had punished a negro boy for constant annoyances, and had been set upon by the boy's mother as a consequence. In defending himself he had used a whip on his assailant. For this he was hailed before a military tribunal and sentenced to thirty days imprisonment; suit for $5,000 damages was brought; and a $50 fine was assessed against him by the Freedmen's Bureau.[45]

Not only did the Freedmen's Courts interfere with the state courts; the regular Federal courts also kept a watchful eye. The

[42] *Weekly Commonwealth,* Feb. 18, 1870.

[43] *Cincinnati Gazette,* Jan. 1, 1866.

[44] *Ibid.,* Jan. 15, Feb. 6, 12, 14, 15. On February 3rd, while a former Federal soldier was being given a hearing on a charge of killing a negro, Freedmen's Bureau officers with a squad of negro soldiers, seized him and carried him away. The legislature immediately demanded the restoration of the prisoner to the state authorities and the dismissal of Fisk. The Bureau avoided further trouble by giving up the prisoner. *Ibid.,* Feb. 15; Collins, *Kentucky,* I, 168.

[45] Collins, *Kentucky,* I, 170.

Civil Rights Act, passed in April, 1866, conferred upon negroes rights equal to those possessed by white people, and the district attorneys, marshals, commissioners, and Freedmen's Bureau agents were authorized to bring suits in Federal courts against violators of the law. The Freedmen's Bureau agents were particularly active, and thereby gained as much opprobrium as if they had disposed of the cases before their own courts. During 1867, they arrested 89 persons charged with crimes against negroes, and handed them over to the Federal courts for trial.[46] For instance, they arrested four men in Nelson County, and took them to Louisville where the Federal court convicted them of breaking the Civil Rights Act and sent them to the penitentiary for ten years.[47]

However exasperating it might have been for citizens to be removed from their own communities for trial in Federal courts, it was worse to have a case begun in a state court to be unceremoniously taken into a Federal court. Just this thing had happened in the Lewis County Circuit Court where Federal agents seized two men being tried for murder, and carried them to Louisville where the Federal courts sentenced them to death.[48] "What can the State Government do," queried one newspaper editor, "when the Federal Courts, backed by the United States troops, contemptuously wrest from the custody of the State courts and State officers, not only persons under arrest, but persons under judicial sentence?"[49] Governor Leslie declared that "under this assumed jurisdiction" citizens had been arrested and "taken to distant points, and deprived of the right of trial by jury of the vicinage, and the parties subjected to great annoyance and expense, and sometimes to onerous and unreasoning penalties." "Can you wonder," he exclaimed, "that, to the high-spirited and justice-loving citizen of Kentucky, a court, otherwise honored, should, in the exercise of such jurisdiction, become as odious as ever the Star-Chamber was to the friends of liberty in England."[50]

At the bottom of all the trouble lay the Civil Rights Act, which Kentucky courts, high and low, were not slow in declaring unconstitutional. Three months after its passage, Judge Harbeson of

[46] P. S. Pierce, *The Freedmen's Bureau* (State University of Iowa Studies in Sociology, Economics, Politics and History, Iowa City, 1904), III, No. 1, 148.

[47] *Cincinnati Commercial,* Aug. 1, 1867.

[48] *Ibid.,* Jan. 7, 1869.

[49] *Kentucky Yeoman,* Jan. 30, 1871.

[50] *Kentucky House Journal,* 1871, 1872, p. 35; *Kentucky Yeoman,* Dec. 6, 1871. Message to legislature, Dec. 6, 1871.

the Louisville city court, in disposing of a case, found it convenient to declare the law inoperative in Kentucky in so far as it conflicted with state law.[51] All the circuit courts in the state except one held it unconstitutional, and the Court of Appeals was of like opinion. Its reasons were much the same as those given by the United States Supreme Court in its decision later declaring the law unconstitutional.[52] But until the latter court acted Kentucky decisions could not affect the law or its operation in Federal courts. It was particularly distasteful as the Federal courts under its authority entered the jurisdiction reserved for state courts.[53] To speed the day of relief, Governor Stevenson recommended that the legislature provide means to test the law at every opportunity when it should go before the Supreme Court;[54] and such a law was soon enacted.[55]

The Civil Rights Act was passed and the Freedmen's Bureau was set up for reasons of the highest order. The negroes were untrained in even the first elements of good citizenship and they stood in urgent need of sound direction. But the Civil Rights Act was so carried out and the Freedmen's Bureau so conducted that there can be little question that they did more harm than good. The seeds of suspicion and hatred were sown in the field of relationships between former master and former slave, where there should have been built up the strong foundations of future coöperation and understanding. The Bureau agents were too often designing men, bent on selfish gains from their control of the negroes, men whom General Grant characterized as useless and dangerous to the peace and prosperity of the South. They made little effort to come to an understanding with the former slave-owner and cared not to see his point of view. In striking out on such a course the Bureau should have expected nothing but ultimate failure.

The agents were never quite able to get away from the feeling that withal, their greatest task was to bind the negroes together into a well-organized group, racially conscious and suspicious of the white people—a group which they expected to use in politics when negro suffrage should come. Aided by prominent Radical

[51] Collins, *Kentucky,* I, 173.

[52] *Cincinnati Commercial,* May 31, June 13, 1867.

[53] *Lexington Observer and Reporter,* Jan. 9, 1869.

[54] *Cincinnati Semi-Weekly Gazette,* Jan. 12, 1869.

[55] *Ibid.,* Feb. 23; *Lexington Observer and Reporter,* Jan. 9, 1869; *Cincinnati Commercial,* Jan. 7, 13, 18, 1869.

politicians, they assiduously carried on this work. The army had made a beginning, when it began to free the slaves during 1865, and groups of negroes now and then had showed their appreciation and docility by presenting silver services and golden swords to Federal generals.[56] Palmer addressed 4,000 freedmen in Louisville on January 2, 1866 and told them they were on the same footing as white people and that they should follow the counsels of the Freedmen's Bureau.[57] The first state organization for the negroes was effected in a convention in Lexington on March 22 and 23, 1866. Fisk was on hand and saw that negro suffrage was given a prominent place in the discussions. It was the sense of the convention that the negroes should have "each and every right and power guaranteed to every American citizen, including even that of suffrage," which "naturally" belonged to them.[58] The following year a convention was held here to start a definite movement to secure negro suffrage.[59]

From now on, this subject was uppermost among the negroes and their white leaders. Every agency was made to work toward this end. The propensities of the negroes for "organizing" and "joining" were soon discovered and fully utilized. "Union Benevolent Societies," "United Brothers of Friendship" and other orders grew up all over the state like Jonah's gourds,[60] and the Loyal League was not unknown. According to the *Lexington Observer and Reporter,* the negroes' white leaders had begun "organizing leagues, having great pic-nics with music, regalia and flags, and other follies, the object of which was to commit the negroes to their support and sow dissensions between the vast majority of Kentucky and the negroes."[61] Emancipation Day and Fourth of July celebrations with their parades were organized early to further the political aspirations of ambitious blacks and designing whites.[62] The celebration on July 4, 1868, was attended by 15,000 negroes from Fayette and the surrounding

[56] General Brisbin was given a silver service in Lexington in the latter part of 1865. *Cincinnati Gazette,* Nov. 27, 1865.

[57] *Ibid.,* Jan. 3, 1866.

[58] *Ibid.,* March 24, 26, 27.

[59] *Ibid.,* Nov. 29, 1867.

[60] There were 15,000 belonging to this organization in 1867. *Cincinnati Commercial,* Oct. 2, 1867.

[61] Oct. 5, 1867.

[62] Such a celebration was held in Louisville on New Year's Day of 1867 at which James Speed addressed the negroes. *Cincinnati Commercial,* Jan. 2, 1867.

Blue Grass counties. Brisbin delivered the principal address and emphasized the need of the negro's having the vote.[63] At a picnic later in the year near Winchester, he laid down a table of twenty commandments which the negroes should follow if they would prosper—the first two of which were: "1. Read the Bible and trust God. 2. Never vote for a rebel or Democrat for office."[64] Judge William C. Goodloe was also a favorite speaker for the negroes and he never tired of telling them of their just rights that were being withheld by the wicked Democrats.[65]

Many Radicals felt that only through the negro vote could the state be redeemed from the Democrats; and in anticipation of that day they had already estimated that there would be 52,000 black votes, all of which would be needed.[66] One vigorous proponent of negro rights declared that "Negro suffrage is the vital issue of politics today, and the only vital issue; and men who dodge it ought not to be elected, even though they call themselves Radicals."[67] Most of the whites saw negro domination and the overturn of civilization in the movement. Benjamin Rush wrote from Paris, France, to Governor Stevenson "that the contest now going on is not simply for 'negro equality' but absolutely for 'negro supremacy'! How true, and how startling."[68]

The Freedmen's Bureau destroyed its opportunity for usefulness not only by lending its aid to manipulating the negroes for political purposes but also by alleging brutal treatment of the freedmen by their former masters. Fisk in a speech in Cincinnati dramatically exclaimed: "Only the day before yesterday, in Lexington, thirteen discharged colored soldiers stood in the streets, in full sight of Henry Clay's monument, with their bodies lacerated, their backs bleeding from the cruel lash, their heads cut to the scalp, and one or two of them with their eyes put out! And what for, do you suppose? Simply for going to their former masters and asking for their wives and children."[69] The legislature became greatly incensed at the accusation, and believing it to be false, appointed a committee to go to Lexington to make an

[63] *Cincinnati Commercial,* July 7, 1868.

[64] *Ibid.,* Sept. 20, 1867. Brisbin was one of the most active Radical leaders of the negroes. *Lexington Observer and Reporter,* Aug. 31, 1867.

[65] *Ibid.,* July 10.

[66] *Cincinnati Commercial,* May 13, Oct. 2, 1867.

[67] *Ibid.,* April 4. "Mack."

[68] *Stevenson MSS.,* XXVIII. Letter dated Feb. 19, 1868.

[69] Collins, *Kentucky,* I, 167; *Lexington Observer and Reporter,* Feb. 3, 1866; see also *ibid.,* Jan. 18.

investigation.[70] Fisk was summoned to appear and prove his charges, but he did not find it convenient to be present. The committee concluded that the charges were "false and slanderous" and declared that they were "but a continuation of the system of misrepresentation to which the people of this state have been exposed for several years—a system introduced and persevered in by office-holders of the general government, in order to extend and continue their own profits and powers; and but too much encouraged by certain citizens of the state itself, in the hope of recommending themselves thereby to the patronage of the party in power at Washington."[71] Fisk declared the legislature had called him "a liar and slanderer," and maintained that he had furnished the names of witnesses and had suggested that the scope of the investigation be widened, but that no action could be expected as "a more select number of vindicative, pro-slavery, rebellious legislators cannot be found than a majority of the Kentucky legislature."[72]

About the same time General Palmer declared that combinations of whites were preventing negroes from getting work and were driving them from the state. In answer to the legislature's request for proof, he refused to adduce any, declaring that that body intended to insult him, and excite popular prejudice against the government he represented.[73]

The opposition of the people to the Freedmen's Bureau had been instantaneous and bitter from the first news of its extension to the state. Why should the negroes be singled out as the only ones needing aid? Too much of this partiality had already been seen while "the wives and children of white soldiers actually engaged in putting down the rebellion have not been in any manner provided for."[74] Bramlette was thoroughly aroused against the presence of the Bureau. He declared it should be removed and until this happened it should be resisted in every legal way. In it he saw a menace to white supremacy: "Our race, who have built up and maintained this Government, must and will hold it as an

[70] *Acts of Kentucky,* 1865, p. 81. Jan. 30, 1866.

[71] Collins, *Kentucky,* I, 168; *Lexington Observer and Reporter,* Feb. 3, 1866.

[72] *House Executive Documents,* no. 70, 39 cong., 1 sess., 230-238. Also quoted in "Freedmen's Bureau Documents" in *Documents Relating to Reconstruction* (Morgantown, W. Va., 1904), edited by Walter L. Fleming, p. 39.

[73] *Annual Cyclopaedia,* 1866, p. 424; *Lexington Observer and Reporter,* Feb. 21, 1866.

[74] *Annual Cyclopaedia,* 1865, p. 463. Conservative Party document.

inheritance for their children; though it shall become necessary in so doing, to sacrific the negro race, and all those who, like mistletoe, fasten themselves upon the negro. Negrophilists and negrophobists have kept up a warfare upon the peace and security of our people until patience has well-nigh ceased to be a virtue."[75] He gave it as his opinion that the Lexington agent could best serve his state and nation "by locking up his bureau and losing the key."[76]

Kentuckians, generally, felt that there was no need for the Bureau in the state, and the *Louisville Journal* begged Palmer to use his influence to have it removed. This Palmer refused to do.[77] The *Louisville Courier* described it as "a mere piece of party machinery," for which the people had to pay heavily. It quartered upon the state "a set of unscrupulous Radical emissaries and spies," whose business it was "to disturb the peace of society"; and it had the direct effect of making "the negroes idle, vicious and insubordinate," taxing the people for doing it.[78] Furthermore it had no legal existence in the state, as the act of Congress setting it up referred only to the insurrectionary states. The establishment of this instrument of tyranny in Kentucky was a "naked usurpation" according to a Lexington newspaper editor and Kentuckians "know the manner in which their brethren in the Southern States have been outraged by the officers of this Bureau and they believe it is established here to outrage and humiliate them."[79] The Harrison Circuit Court, disregarding the decisions of the Bureau agents, sent the sheriff to recover property seized by the Bureau in carrying out one of its judgments, and declared that that organization had no legal existence in the state.[80] Likewise the Paducah and Bourbon circuit courts declared the Bureau outlawed.[81]

Fisk beat back at his critics, charging that there were "some of the meanest unsubjugated and unreconstructed rascally rebellious revolutionists in Kentucky that curse the soil of the country." But he was sure that a majority of the people hailed "the dawn of universal liberty" and welcomed the Bureau.[82]

[75] *Annual Cyclopædia,* 1866, p. 424; *Cincinnati Gazette,* Dec. 30, 1865. Letter to Lexington city judge.
[76] *Ibid.,* Feb. 6, 1866.
[77] *Ibid.,* Feb. 12.
[78] Quoted in *Cincinnati Semi-Weekly Gazette,* Jan. 7, 1868. See also *South in the Building of the Nation,* I, 307-309.
[79] *Lexington Observer and Reporter,* Jan. 3, Nov. 25, 1866.
[80] Collins, *Kentucky,* I, 172. June 3, 1866.
[81] *Ibid.,* 173, 175, 176.
[82] *House Executive Documents,* no. 70, 39 cong., 1 sess., 230-238.

As soon as the legislature met after the Christmas holidays of 1865 the floodgates of wrath were loosed and resolutions of bitter condemnation poured in. The house resolved in January that since the Bureau was "a gross interference" with the rights of the people and unauthorized by the act of Congress, it was "justly odious to the people of Kentucky" and its continuance in the state would "only work to the detriment and injury of the negro population."[83] One of the reasons most often advanced for its extension to the state was the fact that the negroes had not been given civil rights; so in February (1866) after a bill of rights had been passed for the negroes and the slave code repealed, the legislature petitioned the President to remove the Bureau as laws "characterized by justice and humanity" had been passed for the negroes and, hence, there existed "no necessity for that which they consider an innovation on their rights and powers. . . ."[84]

No one paid any attention to Kentucky's complaints; and when the supplementary Freedmen's Bureau bill came up in the Senate for passage in February, it found no more uncompromising opponent than James Guthrie, from Kentucky. He declared that in the passage of the bill, "the degradation of Kentucky, so far as she can be degraded by congressional legislation" was decreed. "You cannot trust a better people," he said, "a more loyal people, or a people who have made more sacrifices for this Union than the people of Kentucky; but, gentlemen, you will pardon me for saying it, you treat them as though they were rebels, and upon false information you are led to believe it. It is an unpleasant thing to be told by gentlemen that we come from a disloyal State, and that you are not willing to listen to us, nor give us a fair hearing in the decision of questions here. . . . I tell you, gentlemen, that the passage of this system of bills is a dissolution of the Union, and you cannot help it."[85]

[83] *Cincinnati Gazette,* Jan. 12, 19, 24, 1866.

[84] *Acts of Kentucky,* 1865, p. 87; Collins, *Kentucky,* I, 170. Feb. 17, 1866. During this session the legislature passed a law which was a covert thrust at this institution. It was made a felony for anyone to arrest, imprison, or transport a person "otherwise than according to law"; and for anyone to extort money or property under the pretense of acting "under any civil or military authority of this State or the United States" as being due "by the judgment of any pretended court not thereto authorized by law." The punishment was to be from one to twenty years imprisonment. *Acts of Kentucky,* 1865, pp. 60, 61; *Lexington Observer and Reporter,* Feb. 21, March 3, 1866; *Cincinnati Gazette,* Feb. 22, 1866.

[85] *Congressional Globe,* 39 cong., 1 sess., part 1, pp. 743, 744; *Cincinnati Gazette,* Feb. 9, 1866.

As the continued existence of the Bureau in the state was often defended on the ground that full civil rights had not been granted to the negro in that he had not been given the right to testify against white persons, there was a strong fight in every legislature to grant the negro this right, impelled by the belief that the Bureau would be removed if this were done. Bramlette begged the legislature to do it in his message in January, 1867, and thereby "remove the flimsy pretense of an unreasoning fanaticism for any further disregard for the Constitution of our fathers through Freedmen's Bureaus and civil rights bills."[86] On the other hand, the enemies of negro testimony remained obdurate on the ground that the Bureau must be removed with all its pretensions before the negro should be given the right to testify in courts. So hot was the continuous fight against the Bureau that the Federal authorities were on the verge of removing it more than once, but the local Bureau agents were always able to hold it. Finally on January 1, 1869, all the offices were closed except the one in Louisville.[87] The organization all over the South was greatly curtailed by 1870, when there were only 87 agents in all left. It was at last disbanded everywhere in 1872.[88]

As the activities of the Bureau died down in Kentucky, a more reasoning attitude was assumed toward negro testimony by Kentuckians generally. In 1868, only one of the circuit court judges admitted it;[89] three years later four judges had changed their minds, Judge J. C. Wickliffe, the fourth, being a former Confederate officer.[90] Judge Cofer admitted negro testimony in his court because the Federal Constitution, he said, made the Federal laws supreme over the state, and until Congress repealed it or the Supreme Court declared it void, it should be obeyed.[91] The Court of Appeals safely refused to admit this reasoning and remained obdurate;[92] but when a Louisville city judge did likewise, he found himself indicted by a Federal grand jury.[93]

Right here arose the serious question of whose authority should be respected—if the state's, the state should protect its

[86] *Cincinnati Gazette,* Jan. 4, 1867.

[87] *Cincinnati Semi-Weekly Gazette,* Dec. 25, 1865; *Cincinnati Gazette,* June 16, 1866.

[88] Battle, Perrin, and Kniffin, *Kentucky,* 475; Oberholtzer, *History of the United States,* II, 62.

[89] *Cincinnati Semi-Weekly Gazette,* Nov. 13, 1868.

[90] *Kentucky Yeoman,* May 25, 1871.

[91] *Courier-Journal,* May 15, 1871.

[92] *Louisville Commercial,* Jan. 10, 1870.

[93] *Cincinnati Semi-Weekly Gazette,* Oct. 18, 1870. Judge J. Hop. Price.

officers, or repeal the conflicting law. The *Kentucky Yeoman* thus stated the case: "If the Federal Government says that judges, who do not recognize certain laws shall be punished, and the State Government demands that they shall not obey them, every dictate of manhood requires that either these officers should be protected in the administration of the State laws, or the statutes should be amended so as to prevent the conflict."[94] The more reasoning sentiment of the state became increasingly insistent that the negroes be given full rights, not only as a mark of complete justice but also as a means of avoiding unpleasant conflicts with the Federal government. Men of the standing and precedents of Joshua F. Bullett and S. S. Nicholas petitioned the legislature to grant negro testimony, and governors repeatedly in their messages advised that it be done.[95] The Bar Association of the state asked it, and many prominent newspapers advocated it.[96] The fight was carried on in each legislature, only to end in defeat, until 1872 when the legislature declared that "No one shall be incompetent as a witness because of his or her race or color."[97]

At the same time, the negroes were granted another civil right, little agitated but nevertheless valuable, namely: that the homestead act should be made to apply "irrespective of race or color."[98] A year before, the extra poll tax on negroes for their paupers and schools was repealed, and negro lawyers were being admitted to the bar by the same time.[99] With the suffrage given by the Federal Constitution, the negro by 1872, was enjoying all the rights which laws could confer upon him.

Despite the animosities the Freedmen's Bureau stirred up all over the state, and despite the fact that it left suspicion and hatred between the two races, where understanding and friendship should have prevailed; yet it produced certain tangible results, which may be measured. There being no confiscated lands in Kentucky for it to manage, it busied itself, apart from political maneuverings, in feeding, clothing, and educating the negroes. In 1868 there were

[94] Feb. 24, 1871.

[95] Collins, *Kentucky,* I, 194, 221; *Kentucky Yeoman,* Dec. 6, 1871.

[96] Collins, *Kentucky,* I, 221; *Cincinnati Semi-Weekly Gazette,* June 18, 1869.

[97] *Cincinnati Commercial,* Feb. 8, 1867; *Cincinnati Semi-Weekly Gazette,* Jan. 10, 1868, March 16, 1869; Collins, *Kentucky,* I, 201, 224; *Georgetown Weekly Times,* March 15, 1871, Jan. 24, 1872; *Acts of Kentucky,* 1871, pp. 12-14. Jan. 30, 1872.

[98] *Ibid.,* pp. 7, 8 (Jan. 24, 1872); *Georgetown Weekly Times,* May 24, 1871, June 5, 1872.

[99] *Ibid.,* May 17, 1871; Collins, *Kentucky,* I, 221.

forty-two agents, costing the government $42,000—a larger and more expensive organization than existed in any of the other border states or in Tennessee.[100] By the middle of 1866 it had set up thirty-five negro schools, with fifty-eight teachers. There were 4,122 pupils, and an average attendance of 3,215.[101] Three years later the school establishments had increased to 391, the teachers to 1,080, and the pupils to 18,891.[102] The teachers were to a great extent negroes, although white teachers from the North were not uncommon. The latter were spurned and shunned by most Kentuckians, and at Lexington they were soon forced to leave the hotel where they had been staying.[103] These schools were maintained by state taxes levied on the negroes, private donations, and sometimes by tuition fees. In February, 1866, a law was passed apportioning all the taxes paid by negroes, including a poll tax, equally between negro schools and negro paupers.[104] As by this arrangement the negroes paid no part of the general expense of the state government, no part of the revenue obtained from white persons was used for negro schools. An additional poll tax of $2 was levied on negroes in 1867, to be used as the other revenue from negroes, but it was so strongly opposed by the negroes, that it was finally repealed in 1871, as previously noted.[105] The negroes also objected to any taxes derived from themselves being used to pay their paupers. These unfortunates, they argued, should be taken care of by their former masters.[106]

The work of the Bureau in securing jobs for negroes was not very extensive. During the year ending October, 1869, there were only 590 contracts approved. The average wages secured for men was $17.49 per month and for women $8.74, including "quarters and rations." The Bureau gave medical treatment to over 16,000 negro patients; and the total expenditures for the year were $110,000.[107]

[100] *Lexington Observer and Reporter,* June 10, 1868. For report for 1868, see *Cincinnati Semi-Weekly Gazette,* Nov. 6, 1868.

[101] *Cincinnati Gazette,* Oct. 19, 1866.

[102] *Cincinnati Commercial,* July 14, 1869.

[103] *Cincinnati Gazette,* Oct. 4, 1866.

[104] *Acts of Kentucky,* 1865, p. 51. Feb. 16, 1866.

[105] *Ibid.,* 1871, p. 18; *Kentucky Yeoman,* July 11, 1871; Collins, *Kentucky,* I, 210. Feb. 9, 1871.

[106] *Cincinnati Commercial,* July 14, 1869; *House Executive Documents,* no. 329 (serial no. 1346) pp. 5, 10.

[107] Collins, *Kentucky,* I, 174. See also *Cincinnati Commercial,* Aug. 7, 1869.

In 1867, the negroes owned $1,000,000 of taxable property on which they paid a tax of $3,661. Most of this wealth existed in land, which they greatly coveted. By 1871 negro agricultural fairs were being held in many of the counties.[108]

The freedmen were encouraged by the Bureau agents and by other people to be frugal and begin to save money. This organization was so thoroughly hated that the average Kentuckian looked upon it with suspicion when it advised the negro to save. The senate early in 1866 voted to charter the Grant Savings and Deposit Bank for "free men of color," provided the Freedmen's Bureau should in nowise be connected with it. Another condition, later withdrawn, was that no officer of it should ever have resided in Boston.[109] Kentucky negroes, like the negroes generally throughout the South, were heavy losers in the miserable fraud perpetrated by the Freedmen's Savings and Trust Company. There were two branches in Kentucky, at Lexington and at Louisville. When the crash came in 1874, the former had on deposit $34,000 and the latter $137,000.[110]

With the sudden freedom of the negro and his ambitions, aspirations, and hopes perverted by designing and crafty white leaders, social conditions throughout the state could not have developed otherwise than into a dangerous and ominous trend—a threatening outlook for the years just ahead. But added to this situation was the four years of strife and hatred that had just ended. The war itself was followed by new strife, and the state was soon flecked with crimes and the unofficial punishment of them—something which speedily degenerated into a sort of private warfare. The guerilla bands of war days required time to resume peaceful occupations and habits of thought. Strong emotions were hard to efface—war was exciting, peace was hum-drum. A band of men, doubtless wartime guerillas, a month after Appomattox, by tearing up the track stopped the train on the Ohio and Mississippi Railroad just north of the Ohio River, robbed the passengers, secured $30,000 in United States bonds, and fled across the river into Boone County. Two years later a band of robbers stopped a train in Simpson County, plundered the passengers, and burned

[108] *Courier-Journal,* Aug. 5, 1871; Collins, *Kentucky,* I, 220.

[109] *Cincinnati Gazette,* Jan. 16, 1866. The house did not take action on the bill. Collins, *Kentucky,* I, 167.

[110] *House Miscellaneous Documents,* no. 16, 43 cong., 2 sess., 61. By 1869, the Negroes had deposited $535,000 in the bank at Louisville. *Cincinnati Commercial,* July 16, 1869.

the forward coaches.[111] Some of the members of this gang were arrested, but train robbery was established as a dangerous kind of amusement for the desperate, and was long to remain a major form of outlawery.

Where apprehension was uncertain, and wrongs fancied and real, private and public, seemed to need righting, individuals and bands were certain to spring up to perform the task. Calling themselves "Regulators," "Rowzee's Band," "Skagg's Men" and various other names, bands of men set about a veritable reign of terror in various parts of the state. The high and the low fell before their merciless raids. In Marion, Madison, Mercer, Boyle and Lincoln counties—the regions south of the Kentucky River—the "Regulators" chiefly held sway.[112] Loosely organized, with varying numbers going on raids, they terrorized for a period of three or four years. In Madison County, they snatched from his house a wealthy farmer and hanged him to a near-by tree, where he was found the following morning.[113] A citizen of Mercer County was shot and then hanged; another seventy years old was hanged by the same gang in the same county; and shortly afterwards two cousins living nearby were hanged. On another occasion a band of thirty attacked a house and killed three men and one woman.[114] These men had brought about the displeasure of the "Regulators"—it was sufficient. These same self-constituted guardians of law and order, hanged and shot people for crimes which the state authorities were not given time to punish. Even former officers of the law were seized and threatened with death for acts they had done or failed to do.[115]

The seizure of persons in jail became a common practice in the infested regions south and west of the Kentucky River. In Marion County 120 men on horseback seized three prisoners in the Lebanon jail, charged with robbery, and hanged them to nearby trees. A man in the Harrodsburg jail, charged with rape, was likewise seized and hanged.[116] Violence became the expected order of the day, and a newspaper correspondent could write in describing a crime, "The hanging of Bolling came hard on the heels of

[111] Collins, *Kentucky,* I, 159, 174.

[112] *Annual Cyclopaedia,* 1866, pp. 425, 426; 1867, p. 422.

[113] *Cincinnati Commercial,* Aug. 10, 1869; Collins, *Kentucky,* I, 180, 181, 191, 192, 196.

[114] *Cincinnati Commercial,* Aug. 1, 1869.

[115] *Ibid.,* July 29.

[116] Collins, *Kentucky,* I, 174, 182.

others, and the list runs back until name after name of those who have been hurried into eternity, on short warning, and often without a chance to survive the tragedy to tell that they were other than the victims of personal or party vengeance."[117]

If white men were dealt with in so summary a fashion, it can be easily seen that the negro with his new notions of social and political equality, would make himself the object of swift violence. In the course of a few days lynch law ran riot on negroes charged with rape in Bardstown, Frankfort, and Owensboro; "Skagg's Men" raided twenty negro houses near Lebanon and robbed and maltreated the occupants; a mob removed a negro from the Danville jail and hanged him in a graveyard; the "Regulators" hanged two negroes in Washington County; disguised men seized two negroes, charged with rape, while they were being taken to jail in Graves County and shot them to death; "Regulators" grotesquely garbed broke up a religious meeting of negroes, shot one, and beat many.[118] Thus the story went. In western Kentucky the "Regulators" gave notice to the negroes to leave the county and warned landowners not to rent to negroes on the peril of having their houses burned.[119] During the month of January, 1868, the Freedmen's Bureau charged that there were 53 crimes committed against negroes.[120]

In 1871, a negro mail clerk on the Lexington and Louisville Railway, was set upon by a drunken person whom many Kentuckians claimed was a Radical, and badly frightened. The Federal government detailed ten soldiers to act as a guard, but on the advice of a special mail agent that trouble would likely ensue, it discontinued mail service on that route and thereby left Frankfort virtually without mail facilities—with the legislature in session at the time.[121] President Grant asked Congress to enact further legislation for the protection of life, liberty, and property.[122] The Frankfort citizens were greatly incensed. In the opinion of the

[117] *Cincinnati Commercial,* July 24, 1869.

[118] Collins, *Kentucky,* I, 171, 174, 181, 186, 199; *Cincinnati Commercial,* Nov. 23, 1869.

[119] *House Executive Documents,* no. 329 *op. cit.,* p. 4.

[120] *Ibid.*

[121] *Georgetown Weekly Times,* March 8, 1871; *Senate Journal,* 1871, p. 165; *House Journal,* 1871, p. 270; Collins, *Kentucky,* I, 209.

[122] Richardson, *Messages and Papers of the Presidents,* VII, 127, 128. March 23, 1871.

Kentucky Yeoman, the highest motive that could be given for imposing this hardship on the people "was a desire to conciliate the negro vote, even at the expense of disgusting a good portion of the white element."[123] Some declared it to be, in reality, an act of war.[124]

The spirit of lawlessness was undoubtedly rife and widespread over the state, and it was not wholly confined to the dominant whites. The Loyal League was a power in some of the eastern sections of the state, where its lawless members or sympathizers sought control through violence. In Harlan County, groups said to belong to this order, issued threats and beat persons for voting the Democratic ticket;[125] and other groups carried out whippings in Madison County for the same offense.[126]

The violence going on through the state was paralleled in the states to the southward in the disorders of the Ku Klux Klan; and it is probably true that the Klan had adherents in Kentucky and that they were responsible for some of the lawlessness during the period from 1867 to 1869. Even ex-Governor Bramlette was rashly charged with being the head of the Klan in Kentucky.[127] The various groups whose violent raids have been noted were, however, not Klansmen; but they were of local organization growing out of neighborhood strifes and animosities. Kentuckians, especially the Democrats, repeatedly denied that there was a Ku Klux Klan in the state.[128] It was also claimed that little of the lawlessness was of a political significance. Nor was most of it due to antagonism growing out of the war.[129] Yet it must be true that the war left the people upset in old relationships, with too many unwilling or too weak to adapt themselves to new conditions or to forget past grievances. With old restraints inside and out now weakened they went their way. A Radical newspaper editor believed that most of the trouble resulted from "heated blood, family difficulties, old grudges, intoxication, and inborn malevolence."[130]

[123] March 6, 1871.

[124] *Kentucky Yeoman,* March 17, 1871.

[125] *Ibid.,* Sept. 10, 1868.

[126] *Georgetown Weekly Times,* April 12, 1871.

[127] *Cincinnati Semi-Weekly Gazette,* Aug. 28, 1868.

[128] For example, *Lexington Observer and Reporter, passim,* 1868.

[129] Collins, *Kentucky,* I, 183. Stevenson's message to the legislature, Dec. 3, 1867.

[130] *Louisville Commercial,* June 15, 1870.

Apart from the fact that the natural malevolence of man will show itself under inviting conditions, perhaps one of the greatest causes of violence and disorder was the presence of the Freedmen's Bureau, with its agents and other Federal officers interfering with state affairs. Governor Leslie made these direct charges. The action of the Bureau courts and of the Federal courts in treating the negroes as a class apart from other people left the popular impression that "the Federal jurisdiction is asserted and enforced only for the purpose of aggravating the prejudices between the races, and promoting the interests of party."[131] Thus could most of the violence against the negro be explained. Rather than await the partiality of the Federal courts to free negroes and punish whites, the strong-willed took the law in their own hands.

The state government was no less anxious to stop the lawlessness that was surely undermining its own prestige and authority than was the Federal government. In 1867, Governor Bramlette issued proclamations against the "Regulators" and all other dispensers of lynch law, and secured the passage of a law allowing him to offer rewards of $500 each for offenders.[132] Governor Stevenson, the following year, proclaimed a war against these organized law-breakers, and commissioned Frank Wolford to raise three companies of militia to go into the infested regions and make arrests.[133] His presence had a sobering effect, as the "war correspondent" reported from Lebanon: "All is quiet between the military and the outlaws. No new movement for the past forty-eight hours by either party, and I am assured on the best authority that no gentleman has been hung in this neighborhood for the past fortnight."[134] Suits were now and then brought against people charged with being members of these lawless groups. In Louisville in 1869, a suit was begun against certain ones, who were charged by the plaintiff with having hanged him until almost dead and then forcing him to leave the country.[135]

Governor Stevenson made it one of his chief concerns to break up these lawless gangs. He had a long list of rewards for their arrest always standing. One issue of a state paper in March,

[131] *Kentucky House Journal,* 1871-1872, pp. 34-36; *Kentucky Yeoman,* Jan. 30, Dec. 6, 1871; Collins, *Kentucky,* I, 222; Battle, Perrin, and Kniffin, *Kentucky,* 476.

[132] *Acts of Kentucky,* 1867, p. 102. March 9.

[133] *Lexington Observer and Reporter,* Sept. 14, 1867; Collins, *Kentucky,* I, 178, 179, 182, 198; *Cincinnati Commercial,* Aug. 23, 1869.

[134] *Ibid.,* Sept. 4.

[135] *Ibid.,* Nov. 18.

1871, carried ten proclamations offering rewards amounting to $3,800 for people guilty of murder and rape.[136] A determined push from many quarters was now made against these lawbreakers and effective remedies were being sought. The *Lexington Observer and Reporter* declared "If the sheriffs throughout the country would promptly and fearlessly arrest bad men who have violated the laws; if judges would promptly and fearlessly bring them to trial, and if lawyers would promptly and fearlessly prosecute them; and if rich and poor and high and low were made to meet upon a common level, without regard to fear, favor or influence, *then* fifty per cent. of the lawlessness that is now disgracing our land would come to a sudden and effective halt forthwith."[137]

The general feeling was fast growing all over the state that lawlessness had held sway quite long enough—how long could a people maintain their decency and respect and yet allow this saturnalia of crime to continue? If there was an intelligent public sentiment in the state it must soon assert itself. Henry Watterson, a journalist who had already become a power through his bold and incisive editorials in the *Courier-Journal,* now entered the crusade against unbridled crime. Before negro testimony had been granted he saw in its absence a potent incentive to crime, as the lawless element believed they could punish negroes without danger of punishment. The Democratic Party was dominant in all parts of the government; it owed it to the people to preserve order —if it failed it should not expect to escape the just censure of a longsuffering and outraged people.[138] Lawbreakers should not attempt to parade as Democratic allies and thereby hope to escape punishment. He fearlessly set upon such men regardless of their political pretensions: "The desperado who, calling himself a Kuklux," he said, "puts on a mask and mounts a horse at midnight to prowl about after the weak and unprotected is merely a brutal assassin, without one solitary picturesque or dramatic quality. He is an enemy of his race, a foe to society, a cruel monster who should be shot down in his tracks like any other wild animal. But, pretending to be a Democrat and relying on the want of Democratic legislation, he is the most fatal of Radical emissaries, who is mightily undermining the foundations of State authority, and piling up fuel for the partisans of Federal usurpations."[139] The

[136] *Kentucky Yeoman,* March 17.
[137] Feb. 16, 1870.
[138] *Courier-Journal,* Jan. 17, 1871.
[139] *Ibid.,* March 1, 1871.

Kentucky Statesman said that the trouble in all these disorders had arisen from the fact that the Democrats had "considered the Kuklux as political allies, allies not sought but accepted."[140] The Democratic convention in 1871, seeing the unfavorable position the party was being maneuvered into by circumstances, passed a resolution of condemnation against lawlessness on whomever it fell and from whatever quarter it came.[141]

The only way to stop lawlessness was to enact stringent laws against it; and the legislature should be made to see that it was laying itself open to strong condemnation if it refused. A determined fight was made in the legislature of 1871-1872. The whole debate was considerably tinged with political bickerings and animosities; it was hard to isolate the issue and deal with it apart from sectional considerations. If the so-called Ku Klux should be legislated against, why not also in the same bill include Loyal Leaguers? The senate finally in February, 1871, passed the bill 24 to 4; the house continued the debate on into the next month and killed it in the end.[142]

The defeat of the bill produced a flurry in the state and attracted notice outside. General Sherman notified Governor Stevenson of his sentiments on the question and asked him why Kentucky should not be given Federal attention.[143] Watterson was not slow in denouncing this reactionary legislature, which "whilst it lived . . . was regarded as incapable" and "now that it is dead . . . will be remembered only as the weakest assembly that was ever elected in the state."[144] He declared, "The legislature has done nothing. It has sacrificed us. It has violated all its obligations to the State, to the people and to the Democratic Party."[145] The legislature went out of existence in due time; Governor Stevenson's term of office expired in September (1871); and the sweep of crime and lawlessness continued unabated, unless, indeed, Wolford's columns were in the vicinity.[146]

[140] Nov. 6, 1872.

[141] *Georgetown Weekly Times,* May 10, 1871.

[142] *Ibid.,* Feb. 22, 1871; *Weekly Commonwealth,* March 17, *et seq.,* 1871; *Kentucky Yeoman,* Feb. 17, 1871; *Cincinnati Commercial,* Feb. 3, 1870.

[143] *Courier-Journal,* March 24, 1871.

[144] *Ibid.*

[145] *Ibid.,* March 22.

[146] *Georgetown Weekly Times,* Jan. 18, *passim,* 1871. The Frankfort *Weekly Commonwealth,* March 31, 1871, gave 115 instances of violence such as shootings, hangings, whippings, and jail deliveries, that had taken place from 1867 to 1871.

Stevenson was succeeded by Governor Leslie. The new governor on taking office in September, 1871, observed that lawlessness and violence still continued unabated and he pledged now and later his interest and energy to driving the lawbreakers out of existence. He had no blame for the former state authorities; they had done what they could.[147] Speaking for his own administration three months after he took office he said, "In every instance brought legally to the notice of the Executive, all the means authorized by law have been employed to secure the arrest and trial of guilty parties. Rewards have been offered, requisitions issued, the militia ordered to render assistance in the arrest of criminals, and the public invoked by proclamations to discountenance the offenders, and aid in securing their punishment; and though acts perpetrated by such organized bands are decreasing in all sections of the Commonwealth yet we cannot claim that they have entirely ceased."[148]

A new legislature, elected in August, 1871, after a year of pressure enacted a stringent law against lawbreakers, which did much to redeem the good name of the state. To write or post threatening notices was declared a crime punishable by a fine of $1 to $100 and not less than three months in jail. Any two or more persons who should conspire to intimidate or alarm any person or to commit felonies should make themselves liable to a penitentiary imprisonment from six to twelve months or a fine of $100 to $500 and three to six months in jail. The same penalties would be incurred by two or more persons who should band together "and go forth armed and disguised."[149]

In a short time these bands of reckless men began to fall to pieces of their own weight or they were harried out of existence by the law. They left a heritage, which has been a curse to the state since, a weakened respect for state authority. Lynchings continued long as outcroppings of this spirit, though gradually becoming more infrequent; and feuds grew up in the mountains of the eastern part of the state, spectacular though deadly, to give the state a fame all its own.

[147] *Georgetown Weekly Times,* Sept. 13, 1871.

[148] *Kentucky Yeoman,* Dec. 6, 1871.

[149] *Acts of Kentucky,* 1873, pp. 35, 36. April 11, 1873. See also *Kentucky Yeoman,* Dec. 3, 1872; Collins, *Kentucky,* I, 241.

CHAPTER XVII

ECONOMIC PROGRESS AND FINANCIAL AFFAIRS AFTER THE WAR

Kentuckians fundamentally were conservative; they had a wholesome respect for the past from which they found it difficult to break away. Much reason for the state's swing far back toward her ante-bellum political theories and traditions is to be seen in the glamor that the past held for her; and her almost fanatical adherence to the empty form of slavery is likewise partially explained. The tendency was, then, for the state to ignore the war and its consequences as far as possible. This condition together with the fact that the state had always been different from states to the northward, and had taken pride in that difference, led Northern observers to consider her backward and to say harsh things about her. An Ohio newspaper man wrote back from Lexington in 1867 that the Covington and Lexington Railroad, starting from the Ohio River, would take the travellers "back toward the dawn of creation at the rate of five hundred years per hour, till you reach the terminus at this end, they will instinctively rub their eyes and enquire for Adam and his accomplished lady."[1]

But however much Kentucky would cling to the past, she could not get away from the present, its profound influences and contagion. Whether she willed it or not, the war did have its effect psychologically and materially, and they could not be ignored. James Lane Allen, who lived in time to know from experience as well as from observation, said that "there was no phase of social evolution in Kentucky but felt profoundly that sea of upheaval, drift, and readjustment. Start where we will, or end where we may, we shall always come sooner or later to the war as a great rent or chasm, with its hither side and its farther side and its deep abyss between, down into which old things were dashed to death, and out of which new things were born to the better life."[2]

[1] *Cincinnati Commercial,* April 24, 1867. "Mack."

[2] James Lane Allen, "Kentucky Fairs" in *Harper's Magazine,* vol. 79 (Sept. 1889), 564.

One of the easiest departures from the past was along economic lines. Here sentiment could play little part; and when the state was forced to give up slavery a powerful tradition was destroyed and the shackles were no more surely removed from the slaves than from the economic strength and genius of the state. The old commonwealth seemed to awake suddenly to the opportunities that lay just ahead. It had been a lazy giant that knew not its powers for it lacked ambition and had not a vision. It had now found both. Governor Bramlette said in December, 1865, that the almost limitless natural resources of the state should be laid hold on and developed, and if that were done, "we shall soon make our State the pride of the Union, as it has ever been the pride of her sons."[3] This was a favorite subject with Bramlette, whose wartime vigor was now directed into peacetime developments, and he never tired in calling the attention of the lawmakers to the vista just ahead, awaiting those who would look. In 1867, he pointed to the "vast coal fields, mountains of iron ore, and other valuable minerals, together with the inexhaustible forests of the finest timber," which the state possessed and whose development it should encourage.[4]

It soon became the habit of the day to refer to the unbounded natural resources of the state. The political parties vied with each other in passing resolutions of glowing descriptions, calling for the immediate seizure of the state's opportunities; and the newspapers pledged themselves to carry on the campaign of enlightenment. In a meeting of the press association in 1870, they resolved to exert their influence "to develop the vast unused resources of our State, to encourage internal improvement and to advance her moral, educational, mechanical, agricultural, manufacturing and commercial interests in order that she may attain the preëminence for which nature has designed her."[5] Even outsiders offered comments and gave their advice. The *Cincinnati Gazette* said, "Make your state a great commercial highway, and along that highway, people will settle and work. Raise food, make cloth, dig coal, mould iron, boil saltwater, build towns and cities. Build your roads, and more hands will come to work, more mouths to eat, more backs to be clothed, and more money to circulate."[6]

[3] *Lexington Observer and Reporter,* Dec. 9, 1865.
[4] *Ibid.,* Jan. 5, 1867.
[5] *Ibid.,* Jan. 15, 1870.
[6] Nov. 13, 1866.

Amidst such an atmosphere visions of wealth were easily conjured up; many a dreamer saw himself an oil king, a coal baron, or a timber magnate. The legislature was soon flooded with requests for charters for incorporating development companies. The movement began in the session of January, 1865, before the war was yet ended, and gained momentum with the coming of peace. In this session so many companies were chartered that, according to a newspaper reporter, "names by which to call them have almost run out, and in a good many instances, bills have been passed having the same title."[7] In the session beginning in December, 1865, sixty-two charters were granted to oil companies and eighty to oil and mining companies.[8] The process of grinding out charters took up much of the time of the legislature throughout the rest of the decade.[9]

Prospectuses were widely scattered, describing in glowing terms the golden opportunities that awaited the investors. Some of the companies as indicated by their names were ready to do almost anything, as for instances the "Newport Mining, Manufacturing and Commercial Company"; others were discreetly vague as was "The Kentucky Improvement Company." The greatest excitement centered around petroleum, considerable quantities of which had been discovered in 1864. But the presence of petroleum in the state had been known much earlier. In 1848 two hundred barrels had been collected and sold in Cincinnati; ten years later people were contriving means to gather up and save the flow from certain oil springs on Paint Creek and elsewhere, and preparations were going forward to drill wells when the war put a stop to further operations.[10]

Now the movement had flared up again and wells were being bored which produced from 100 to 150 barrels a day.[11] It was in the eastern part of the state where the greatest activities centered. According to a dispatch to the *New York World* from Paintville in 1865, it was not to be "supposed that so rich a field as this has escaped the notice of 'oil men.' They are here by the score from New York, Philadelphia, and Cincinnati, taxing the

[7] *Cincinnati Gazette,* Feb. 23, 1865. See also *ibid.,* Jan. 27, Feb. 10.

[8] *Acts of Kentucky,* 1865, *passim.*

[9] *Ibid.* See also *Annual Cyclopaedia,* 1868, p. 404.

[10] *Eastern Kentucky* (contemporary pamphlet, 36 pp.)

[11] Collins, *Kentucky,* I, 196, 228. Such wells were being bored in Barren County.

hospitality of its citizens to its utmost for food and shelter, and eagerly catching every acre that can be bought or leased."[12] Promoters now began to broadcast accounts of the varied treasuries of eastern Kentucky: "Its wonderful exhibition of surface oil, its richness in coal and iron, combined with facilities of transportation hardly equalled by those of any developed territory, unite to make it the most inviting field now known for the outlay of capital."[13]

The press carried numerous articles descriptive of the state's immense natural resources, breaking the amazing news that regions heretofore considered barren and worthless had untold wealth beneath the surface.[14] There could be no doubt of its existence, but the exact facts were not known and developments should not be allowed to go along the haphazard lines of guesswork. A new geological survey should be carried out, and an inventory of the state's unmeasured wealth should be taken. Each succeeding governor called for such a survey, until in 1873 under the administration of Leslie, Nathaniel S. Shaler was secured to direct the work. Governor Stevenson had been greatly interested in a survey and had been aided by Shaler in those parts of his messages dealing with the subject.[15] Louis Agassiz saw something more in such a work than mere acquisition of wealth; he believed the answers to many questions that had long baffled the scientists lay there. He stated to Shaler that it was "not too much to say that no other area, within the United States, of the same area as Kentucky is likely to furnish facts more immediately connected with the investigation of these questions & having a more direct bearing upon their solution than that State. . . . Her immense water courses, above & below the solid floor of her soil, may tell us how all her rivers became peopled with animals peculiar to them, as soon as we know how they are distributed throughout their course & how they compare specifically with one another & with tributaries on the north side of the Ohio River. The succession of rocks beginning with the oldest formations & ending with the drift & modern river deposits & marshes may teach us better and more rationally to connect the past history of our globe with the present, nay even

[12] Quoted in *Eastern Kentucky*, 29.

[13] *Ibid.*, 3.

[14] For example, *Lexington Observer and Reporter*, Dec. 26, 1868, *passim*.

[15] *Stevenson MSS.*, XXVIII. Shaler to Stevenson, Nov. 10, 1868.

to look upon the birthplace of the primitive races of men of this continent."[16]

Enough was already known to prove that the state was exceedingly rich in coal and iron; yet the state was not a producer of these commodities. The same enthusiasm was shown in developing these fields as had characterized the oil boom. As Louisville began to reach out into eastern Kentucky, Cincinnati was warned that she must "look to her interest," as the coal, the iron, and the timber of this region would "build up somewhere an empire city."[17] Iron furnaces were scattered over some of the eastern counties, small and unorganized and depending largely on the spring freshets to float out their products. The outstanding exception to this condition was the large furnace in Estill County, one of the largest in America, employing 1,500 laborers and having a payroll of $230,000 annually.[18]

Like iron, coal had been mined for half a century or more, but the industry had not grown up commensurate with the needs of the state or with the great possibilities. In the spring coal barges were floated down the Kentucky River, sometimes as many as eighty a month, but the quantity was so insignificant that Louisville consumed what she received and found that scarcely a beginning had been made in meeting her needs.[19] Most of her coal came down the Ohio from Pittsburg.[20] A few mines were being opened up in the western part of the state but the quantity produced was not large.[21] Six years after the agitation for the industrialization of the state had been begun, little real progress had been made except to convince the state of its extreme backwardness in the face of its great opportunities. Kentucky had more square miles of coal lands than either Ohio or Pennsylvania; yet in 1872, she produced scarcely a tenth as much coal as Ohio and not an eightieth as much as Pennsylvania. There was even a greater contrast when it came to the products of mines generally.[22]

[16] *Stevenson MSS.*, XXIX, 31519. Jan. 25, 1869. The legislature believed that the Federal government ought to help, as it aided the states on the coast by carrying out coast surveys. *Acts of Kentucky*, 1873, p. 78. Jan. 21, 1874.

[17] *Cincinnati Gazette*, Sept. 14, 1865.

[18] *Cincinnati Commercial*, Aug. 25, 1869; *Scribner's Monthly*, IX, December, 1874, pp. 135, 136.

[19] *Lexington Observer and Reporter*, April 18, 1868; Collins, *Kentucky*, I, 189.

[20] *Kentucky Documents*, 1875, no. 16, pp. 10, 11.

[21] Collins, *Kentucky*, I, 246k.

[22] Coal area, Kentucky, 12,771 square miles.
Coal area, Pennsylvania, 12,630 square miles.

The state, nevertheless, was making some progress along all these lines of development, but the point she had attained in view of the distance yet to be traversed, was far back of where it ought to have been or where the state had come to resolve it must be.

Various reasons were given to explain the fact that "the richest region on earth" lay fallow and undeveloped. In the first place there could be no lack of charters for development companies; the legislature session after session had been grinding them out. The trouble seemed to lie in the fact that the companies had little else than their charters, and, hence, could not begin operations. The cry soon went up that the charters should be forfeited unless improvements were begun within a fixed time. The *Lexington Observer and Reporter* said, "We trust that every railroad, turnpike, manufacturing and other charter will be forfeited if the companies will not go ahead with their work."[23] Many of these charters had been secured because they cost nothing and had been secured by people who commanded little confidence. Hence it was that capital was slow to flow in their direction. A certain lack of confidence also attached to these charters due to the warning attitude generally prevalent in the legislature that the charters might be changed, suspended, or repealed at any time. The common practice of the time in stating this in the charter was often overdone in Kentucky, where the legislature began charters with this warning and closed them in the same manner.

Coal might be mined, iron smelted, oil pumped, and timber cut; but if railroads were yet unbuilt, and turnpikes yet to be graded, industries must wait. The promising iron industry, begun early in the state's history, died down largely due to the lack of transportation facilities.[24] But if transportation had waited upon charters alone, the problem would have been solved. The legis-

Coal area, Ohio, 10,000 square miles.
Tons mined in 1872:
Kentucky, 340,000
Pennsylvania, 29,442,000
Ohio, 3,000,000
Value of products from mines in 1870:
Kentucky, $509,245
Pennsylvania, $76,208,390
Ohio, $7,751,544
Kentucky Documents, 1875, no. 16, pp. 14, 15; *Ninth Census, Industry and Wealth*, 762.

[23] Dec. 12, 1866.

[24] Wm. F. Switzler, *Report on the Internal Commerce of the United States*, 1886, in *House Executive Documents*, no. 7, part 2, p. 674.

lature in the session beginning in December, 1865, granted thirty-five charters to turnpike companies, and thereafter continued a liberal attitude toward all who sought such concessions. The age of internal improvements in the 'Thirties and 'Forties had brought many miles of turnpikes to the state and had developed many miles of navigation on her rivers; but there was yet much to be done in both instances. To make the actual construction of turnpikes more inviting, an increase in tolls was allowed in 1865, sufficient to provide not more than 4 per cent to the stockholders.[25] The state government was in no mood now to participate in the construction of turnpikes, although it had done so in the past and still owned a large amount of stock in them. It was different, largely from direct necessity, with river improvements. Making the state's rivers navigable had always been under the control of the government and so it could not be abandoned now without great loss. Various appropriations were made by each succeeding legislature, as for instance $75,000 for improving Licking River in 1869, and a like amount to remove obstructions in the Big Sandy in 1870.[26]

But this was an age of railways and it had long been so; until the remotest corners of the state were reached by railways, Kentuckians would not rest satisfied. It was widely felt that practically all other progress awaited the coming of the railway. The state spent about $8,000,000 annually "for coal, iron, lumber, and salt; all of which she has in inexhaustible quantities and of unsurpassed quality in her own limits"; yet she was buying these products from others, when by the expenditure of three times this amount she could construct railroads to pierce these rich sections and make their wealth available.[27] Enthusiasm for railways was as keen as it was for oil wells and coal mines. "The railroad fever is running high," came the report from the Blue Grass in 1866. "The old farmer," it continued, "who for fifty years sent his wheat twenty or more miles to market in his wagon has become extinct. The bucknegro who drove the wagon and belabored the team over rocky hills and jacked the stalled wheels out of the mire, has left the old man, and consequently the road to market is about

[25] *Acts of Kentucky*, 1865, ch. 1054.

[26] *Ibid.*, 1869, Feb. 1; *ibid.*, 1870, Feb. 10; Collins, *Kentucky*, I, 187, 194, 195, *passim*. The governor's messages almost uniformly called for improvements on the rivers. For example, see *Cincinnati Commercial*, Jan. 5, 1866.

[27] *Lexington Observer and Reporter*, Jan. 22, 1868.

twice as long as it used to seem."[28] Something more than material prosperity came with the railway: "School houses follow the railroad, and ignorance flees before it. With intelligence comes virtue, and with virtue happiness."[29]

The legislature handed out charters to all comers. John C. Breckinridge declared in 1870: "We have now in Kentucky more railroad charters and fewer miles of railroads than any other State in the Union."[30] Kentuckians looked across the Ohio to the northward and saw a veritable network of railways. Why were they themselves so backward? Some saw as reasons the rugged topography of the country, difficult to pierce with railways, and also the fact that the great lines of commerce and travel east and west ran north and south of the state.[31] Observers from without saw a too illiberal attitude toward those who might differ with the dominant Kentuckians in politics, and, therefore, a hesitancy of outside capital to enter the state.

Yet there were some railways being built during this period, and railway enthusiasm always ran high. Activities centered around two main problems: to open up by east and west lines the immense resources of the eastern part of the state as well as the lesser important regions of the west, and to run a trunk line from Cincinnati southward to give the central part of the state direct connections with the South Atlantic States and indirectly join them to the Virginia seaboard.[32]

The main railway construction carried on to open up the eastern and western parts of the state was largely subsidiary to the Louisville and Nashville Railroad, which in the popular opinion held the state in its hands with a tyrannical grasp. This road had been completed in 1859, and had become the greatest rail highway between the North and the South west of the Alleghanies. It soon began to send out its iron tentacles east and west, to hold the state tributary to itself. By 1865, the Memphis, Lebanon, and Bardstown branches had been constructed or acquired,[33] and with the coming of peace an agitation to extend these branches and

[28] *Lexington Observer and Reporter,* Nov. 3, 1866.

[29] Editorial in *Kentucky Yeoman,* Sept. 26, 1871.

[30] *Cincinnati Commercial,* Jan. 27, 1870.

[31] *Kentucky Yeoman,* Sept. 23, 1871.

[32] To reach the Virginia seaboard a direct line through the mountains of West Virginia to Norfolk was agitated with considerable force, but the route was patently so difficult that it never got beyond the discussion stage. The Chesapeake and Ohio Railway later came nearest to fulfilling this dream.

[33] The Lebanon branch was finished in 1857, the Memphis branch in 1860, and the Bardstown branch was acquired in 1865.

send out new lines was started. The extension of the Lebanon branch to Richmond was considered the most important undertaking to the eastward, as it would tap a region rich in natural resources and by pushing it on eighty-seven miles across the mountains, Knoxville would be reached and a short line from Louisville to the Southeast would be secured. The road reached Richmond in 1868, but the driving power necessary to push it on to Knoxville was long in materializing. The Elizabethtown and Paducah road with other lesser branches was being pushed to the westward to tap the coal regions as well as to develop and catch trade. In 1869, Louisville voted a bond issue of $1,000,000 to aid this line.[34]

Apart from the Louisville and Nashville system, the most important project to open up the resources of the state was the Lexington and Big Sandy Railroad. Lexington, jealous of Louisville's commercial hold on the state, hoped to run this road into the heart of the timber, coal, and oil lands, and hold these regions tributary to herself. A subsidiary line was projected to touch the Ohio at Maysville. Enthusiastic eastern Kentuckians declared in a meeting in Carter County: "No such project of greatness ever opened before a nation as that before the people of Eastern Kentucky, or were such opportunities ever offered to capitalists, individual citizens, mechanics, intelligent and courageous labor, as the vast mineral and agricultural wealth already developed along and adjacent to the line of the Lexington and Big Sandy Railroad."[35] Lexington and Fayette County voted $450,000 to build this road, and the counties along the line likewise helped with large bond issues.[36]

Various other roads were being pushed so vigorously that millions of dollars in bonds were voted by counties and cities to aid them. There was much speculation in this movement, and many of the roads projected were never built; and many of the bonds voted were never issued or delivered. By 1871, almost $14,000,000 had been voted for railways.[37] Much money was actually spent but all too unwisely—and largely wasted. The *Lexington Observer and Reporter* in 1867 called a halt: "One of the great dangers now is that there will be too many enterprises with conflicting jarring interests and mutually fatal

[34] Collins, *Kentucky*, I, 189. McCracken County voted $500,000 for the same road. *Ibid.*, 191.

[35] *Lexington Observer and Reporter*, Dec. 16, 1865.

[36] Woodford County voted $400,000. Collins, *Kentucky*, I, 196. See also *ibid.*, 197; *Lexington Observer and Reporter*, Nov. 14, 1866. This is the route of the Chesapeake and Ohio Railroad today.

[37] Collins, *Kentucky*, I, 211. See also *ibid.*, 193, 195, 197, 198.

strifes. It is very easy to repeat the folly of Fayette County when she subscribed at one time to four roads—the Maysville, Covington, Big Sandy, and Danville—and got one road and a piece, and a debt of $600,000, not owning a dollar in any road and paying a heavy annual tax."[38]

With all the boundless enthusiasm for building railroads to make possible the development of the state's natural resources, there were too few miles of real railroad laid down. Too many ambitious projects were started which it seemed could never be completed. A cry soon went up for state aid. It appeared logical to many that the state should aid railroads as it had long been aiding river improvements and turnpikes, too.[39] An effort was made to carry a bill through the legislature to issue $10,000,000 in bonds to aid railways and other transportation facilities but it was killed largely by the hostility of the powerful Louisville and Nashville Railroads and by the seeming immensity of the issue.[40] Yet with all the delays and lack of capital, railroads were being steadily pushed forward. In 1872, 143 miles were built, and by the end of the next year, there were 1,266 miles of road in actual use.[41] The general progress in developing transportation facilities was such as to cause Governor Leslie in 1871 to say: "Turnpike roads are rapidly multiplying; rivers are being improved and rendered navigable, which have not been so heretofore; and a number of important railroads are in course of rapid construction in various parts of the State; whilst still a larger number are projected, and with prospects rendering their completion only a question of time."[42]

The railway problem most consistently before the state throughout this period was the construction of a line from Cincinnati southward through central Kentucky, which would open up the rich Blue Grass region and afford direct connections with the Southeast. The only means of reaching the South and Southeast at this time was over the circuitous and unsatisfactory route westward through Frankfort to Louisville and thence over the Louis-

[38] March 30.

[39] *Lexington Observer and Reporter, passim,* 1867; *Cincinnati Semi-Weekly Gazette,* Nov. 27, 1868.

[40] *Cincinnati Commercial,* Nov. 17, 1869; *Cincinnati Semi-Weekly Gazette,* April 6, 1869.

[41] *Cram's Atlas of the United States,* 1873; According to *Hunt's Merchant Magazine,* LXII (1870), 213, there was in 1870, 1,402 miles of railroad, costing $33,511,746. The discrepancy may be explained by the last authority giving roads nearing completion but not in actual use.

[42] *Kentucky Yeoman,* Dec. 6, 1871. Message to legislature.

ville and Nashville to Nashville. In addition to the time and expense required by this route, there was the disadvantage of an illiberal and hostile attitude on the part of Louisville, who showed her dislike of competition by bringing about interminable delays in trans-shipping and by throwing every other obstacle it could in the way. A bitter hostility grew up throughout central Kentucky toward Louisville and her co-conspirator, the Louisville and Nashville Railroad.[43] To get around these difficulties this region began to agitate a direct connection to consist most logically of an extension southward to Knoxville or Chattanooga of the Kentucky Central which ran from Covington to Lexington.

There was also another and determining element in the situation—the interest Cincinnati had in the connection.[44] This city had enjoyed a large Southern trade before the war, and now she hoped to regain it; but in Louisville she found an implacable foe, who stood like a sentinel guarding the Southern gateway. Cincinnati's southbound freight was spurned and rejected by the Louisville and Nashville, already taxed to the utmost to carry the freight of its partner and benefactor, Louisville. In order to impede Cincinnati's freight and to necessitate the breaking of bulk and trans-shipment, the so-called Cincinnati Short Line, finished in 1869 and running from Covington down the Ohio to Louisville, was not permitted to connect its lines with the Louisville and Nashville. River commerce, already fast passing out of existence due to quick freight service, was broken at Louisville by the small and inadequate canal around the rapids, except in high water when the large steamers could ride the rapids in safety. But soon Louisville found it desirable to build a bridge at this point, and by so doing she made it impossible to use the river in high water and thus Cincinnati found herself barred from the South by the designs of Louisville, miserable and scurvy in her estimation. A remarkably bitter feeling grew up between these two cities, which was long kept at a white heat by the wordy and bellicose editors of their respective newspapers.

The times were now propitious for Cincinnati and central Kentucky to join their forces and drive through a railway directly

[43] For example, *Lexington Observer and Reporter*, Aug. 1, 1868, May 26, 1869.

[44] The whole story of Cincinnati's commercial ambitions to the southward and her long struggle to extend a direct connection to the South, culminating in the building of the Cincinnati Southern Railroad, is told in E. M. Coulter, *The Cincinnati Southern Railroad and the Struggle for Southern Commerce*, 1865-1872 (Chicago, 1922).

southward and, thereby, gain direct connections, with Louisville left far aside to the westward. Due to a remarkable conspiracy of fate and circumstances, Cincinnati found it impossible to aid central Kentucky with money, but she finally got around her troubles by issuing bonds to the amount of $10,000,000 with which to build a railroad in her own corporate capacity as a city. On account of certain litigations in which the Kentucky Central found itself, this road could not be bought to serve for the first link, so Cincinnati decided to construct an entirely new line from Covington to Chattanooga, the famous Cincinnati Southern as it came to be called.

But before the Queen City could construct a railway across Kentucky, she must have permission to do so—a simple right-of-way not a charter. Of course there could be no question about Kentucky allowing such an outstanding development, when it was to be paid for by Cincinnati's millions. A bill was introduced in the legislature in 1870, allowing Cincinnati a right-of-way across the state—and quickly were the floodgates of partisan politics, commercial rivalry, and sectional hatred thrown open. Cincinnati was "a damned abolition city," ruled by Radicals, and was a bitter commercial enemy of Louisville's. A bitter fight followed with central Kentucky in solid support and Louisville and the Louisville and Nashville Railroad in tenacious and bitter opposition. So completely was the state controlled by the latter that the bill was killed with ease.[45] An outburst of surprise and anger went up from central Kentucky and Cincinnati. In 1871 another effort

[46] One of the campaign songs against the bill ran thus:

"Fix the switches, clear the track,
Don't you see we're coming back
On our Cincinnati Southern route again?
You just give the 'right of way'
Forever on your 'eminent domain.'

Chorus:

"Yank yank Yank-a-doodle dandy.
Here's $300,000 for your paws;
And before we do get through,
We will show a thing or two
To you Rebel-Democratic Johnny Rebs.

"We don't ask so mighty much,
Two hundred feet or such,
Of track, across Kentucky's 'sacred soil.'
We'll condemn the land and pay
In our bonds (for that's our way)—
Every man who proves he always has been 'loil.'"

Courier Journal, Jan. 7, 1871.

was made and another defeat was the result. By this time Cincinnati felt outraged, no less, however, than her Kentucky supporters; and as a last resort she took her case to Congress, hoping that this body would, regardless of the Kentucky legislature, give her a right-of-way. In the meantime, elections had taken place in Kentucky, and in 1872, the bill was introduced for a third time now, before a new legislature, and after a hot fight in both houses the bill was passed.

Work on the Cincinnati Southern was soon begun and the line was completed to Chattanooga in 1880. This road did much to break the monopoly of the Louisville and Nashville and to develop central and eastern Kentucky.

Manufacturing establishments wait upon transportation facilities, and hence in this field the state found herself far outdistanced by her neighbors to the north. But the same kind of enthusiasm was welling up here, as had characterized the other activities of the state. The manufactories of Ohio in 1870 were worth almost five times as much as those of Kentucky;[46] and the respective numbers of people engaged in mining and manufacturing were about in the same proportions.[47] The total value of Kentucky's manufactories of agricultural implements was $1,300,000, while for Ohio it was $3,600,000, and for Pennsylvania, $11,900,000.[48] Her cotton manufactories were $500,000 as compared to $17,500,000 for Pennsylvania.[49] Yet the state had a respectable showing in the manufacture of whisky, flour, and tobacco,[50] and also in the following articles, whose annual output was worth over $1,000,000: Bagging, boots and shoes, wagons, men's clothing, furniture, forged and rolled iron, pig iron, castings, leather, sawed lumber, saddles and harness, and tin copper and sheet-iron ware.[51]

Recuperation after the war was rapid in the livestock business. Fine horses were still of especial concern to the Blue Grass farmers, and cattle raising became increasingly popular. The stockmen prided themselves in the fine strains they bred as well as in those imported, and sales were periodically held, attended by buyers from

[46] *Ninth Census, Industry and Wealth,* 392. Kentucky, $54,625,809; Ohio, $269,713,610.

[47] *Ibid., Population and Social Statistics,* 735. Kentucky, 44,197; Ohio, 197,010.

[48] *Kentucky Documents,* 1875, no. 16, p. 15.

[49] *Ibid.*

[50] *Cincinnati Commercial,* Sept. 4, 1869, Jan. 21, 1870; Collins, *Kentucky,* I, 189.

[51] *Ninth Census, Industry and Wealth,* 520-522.

all parts of the United States.[52] Dairying began to grow up, and now cheese factories made their appearance.[53] The rich Blue Grass counties were the center of the livestock industry,[54] and so luxurious was the pasturage that it came to be a practice of no mean proportions to import large numbers of Texas cattle, fatten them and send them on to market.[55] Due to the dangers of bringing in and spreading Texas fever, laws were passed restricting the importation of Texas cattle except in the winter months.[56] The amount of livestock shipped to markets outside the state was considerable. On one day in October, 1866, 132 carloads of cattle passed over the Kentucky Central Railroad for Eastern markets; while during the following month, 22,404 hogs, 1,074 sheep, and 381 mules passed from Paris northward.[57] In 1869, almost 23,000 head of cattle were sent to New York.[58] The finest breed of sheep was found in the Blue Grass region,[59] but sheep-raising was much more widely scattered over the state. In the mountainous parts the laws helped to protect them by offering bounties for the wild animals that preyed upon them or made themselves otherwise objectionable. During the year, 1868-1869, over $12,000 was paid in bounties for red and gray fox scalps, while over $1,000 was paid for the destruction of wolves and wild cats.[60] Kentucky mules still maintained their ante-bellum popularity in the South, and thousands were shipped south every year.[61]

A great stimulus to stock-raising as well as to agriculture was the county fair. It was the time of all the year when cares were laid aside, and the levities of a true holiday were enjoyed. Perhaps a county fair came nearer to banishing political disputations than any other gathering that could be held in the state. So ad-

[52] *Scribner's Monthly,* IX (Dec., 1874), 144.
[53] *Cincinnati Semi-Weekly Gazette,* Dec. 8, 1868.
[54] Collins, *Kentucky,* I, 269.
[55] *Ibid.,* 188.
[56] *Ibid.,* 186, 202.
[57] *Ibid.,* 174.
[58] *Ibid.,* 200.
[59] Four sheep were imported from Canada in 1869, costing more than $500 each. *Cincinnati Commercial,* Sept. 5, 1869.
[60] *Ibid.,* Dec. 4.
[61] *Cincinnati Semi-Weekly Gazette,* Jan. 1, 1869. In 1870, Kentucky had the following:

352,106 horses
83,519 mules
635,289 cattle
918,574 hogs (over six months old).

mitted even the *Lexington Observer and Reporter* in discussing the Fayette County fair: "Politics have been tabooed; President and Congress alike forgotten. Bulls and cows, hogs and sheep, horses, mules, jacks; the crops, mechanical improvements; the growth and development of the State in all its resources, agricultural, mechanical and mineral, have been the topics of conversation."[62]

The general dissemination of wholesome progressive thought resulted from these fairs, and their direct economic worth was evident as visitors from many states came in to see and buy.[63] The social feature was by no means absent. Kentucky horses were not only the fastest, but Kentucky women were the most beautiful; and all who doubted need only come to a county fair and be convinced. "Whoever would look upon the fairest and rarest gifts of God and nature," said a Blue Grass newspaper editor, "let him come to the Fayette fair. First and foremost are the loveliest women, whose dainty feet have ever honored the earth; the beautiful women of the Blue Grass region of Kentucky. Shall we speak of the men? They are warm-hearted Kentuckians, and will make you feel at home in five minutes."[64]

Fairs were held in all the Blue Grass counties and in other sections.[65] A state fair was also held annually to which thousands of people came. In 1869, 15,000 a day attended this fair in Louisville.[66] So important was the tobacco crop that special tobacco fairs were held. A "National Tobacco Fair" was held in Louisville in 1866; and Cincinnati generally held a tobacco fair from which Kentuckians carried away many prizes.[67]

More directly related to agriculture were the Kentucky Agricultural Society and farmers' conventions. These agencies worked for more science in agriculture and less unreasoning opposition to a new method just because the first settlers had not used it.[68] The Kentucky Agricultural Society sought to become a sort of department of agriculture by securing state appropriations for its work,

[62] Sept. 28, 1867.

[63] *Lexington Observer and Reporter,* Aug. 28, 1867.

[64] *Ibid.,* Sept. 21, 1870. See also Allen, "Kentucky Fairs" in *Harper's Magazine,* vol. 79 (Sept., 1889).

[65] *Lexington Observer and Reporter,* July 7, 1869, *Cincinnati Semi-Weekly Gazette,* July 24, 1868; *Cincinnati Commercial,* Aug. 5, 1869.

[66] *Cincinnati Gazette,* Sept. 17, 1869.

[67] *History of the Ohio Falls Cities and their Counties,* 332; *Cincinnati Gazette,* May 24, 1865; *Cincinnati Semi-Weekly Gazette,* July 17, 1868, Aug. 6, 1869.

[68] *Cincinnati Gazette,* June 20, 1865, Jan. 12, 1866; Collins, *Kentucky,* I, 167.

but all efforts repeatedly failed.[69] Governor Stevenson advocated the creation of a department of agriculture but he was never able to convince the legislature that it would be worth the expense.[70]

Agriculture had been badly crippled with the widespread disorganization coming after the war. The great gulf between 1864 and 1865 vividly stands out in a comparison of the yield for these two years. In the latter year tobacco dropped from 127,000,000 pounds to 54,000,000, wheat from 8,000,000 bushels to 3,000,000, hemp from 10,000,000 pounds to 2,000,000, hay from 135,000 tons to 127,000, and barley from 161,000 bushels to 137,000. Corn alone of the principal crops showed an increase—from 39,000,000 bushels to 58,000,000. Signs of appreciable recovery were not evident until 1868, when production showed a healthful increase in almost all crops; and by 1871 the state had regained the yield she had when the war began. The real progress since 1865 is well shown in a comparison of the yield for the two years, 1865 and 1871, respectively: Tobacco increased from 54,000,000 to 103,000,000 pounds; wheat from 3,000,000 to 4,000,000 bushels; hemp from 900,000 to 13,000,000 pounds; hay from 127,000 to 320,000 tons; barley from 161,000 to 243,000 bushels. Corn alone of the principal crops fell—from 58,000,000 to 54,000,000 bushels.[71] Kentucky's relative rank among the states of the Union changed during the decade as follows: wheat from ninth to eighth; rye remained the same, fifth; tobacco from second to first; flax from third to eighth; hemp remained unchanged, first; swine from fourth to fifth; and mules from second to third. The state had, thus, by 1870, emerged from the war, well abreast with the progress of the times agriculturally.[72]

As the state was overwhelmingly agricultural, having 261,000 people engaged in farming in comparison with 44,000 in mining and manufacturing, the next highest, the people were solidly prosperous, barring market fluctuations and the ever-present farmers' ills.[73] But by 1873, the nation-wide epidemic of agrarian unrest had hit the state and the number of granges of the Patrons of Husbandry increased from 45 in November to 116 in December.[74]

[69] Collins, *Kentucky,* I, 200, 212.
[70] *Lexington Observer and Reporter,* Jan. 9, 13, 1869.
[71] Switzler, *Report on Internal Commerce,* 1886, *op. cit.,* p. 659.
[72] Shaler, *Kentucky,* 423.
[73] *Ninth Census, Population and Social Statistics,* 735.
[74] Collins, *Kentucky,* I, 246s, 246w.

The Blue Grass region was the center of the agricultural wealth of the state, as was attested not only by the yield and its export but also by the price of land. Many millions of pounds of corn was sent annually up the Kentucky Central Railway to Cincinnati and the East, while the land from which it came could be bought for no less than $80 to $140 an acre.[75] A greater acreage of this region was improved land than was true of the rest of the state. Kentucky as a whole was still a virgin region as compared to her neighbors north of the Ohio. She had more acres yet to be subdued than were in an improved condition—9,000,000 acres to 8,000,000. In Ohio there were 14,000,000 acres improved to 6,000,000 unimproved; in Indiana, 10,000,000 to 7,000,000; and in Illinois, 19,000,000 to 5,000,000.[76]

Compared with the other Southern states further to the southward, Kentucky largely escaped the agricultural upheaval that swept over them. This period was marked by the tendency generally for the number of small farms to increase greatly at the expense of the large farms. In Kentucky the number of farms increased during the decade, 1860-1870, from 90,000 to 118,000, and nearly all the increase took place in farms under 50 acres. But it is a significant fact that only two of the 166 farms of the state containing over 1,000 acres were broken up. In Alabama, the number of farms of this size dropped from 696 to 306, in Georgia from 902 to 419, in Virginia from 641 to 317, and even in Ohio from 112 to 69.[77]

The explanation for this situation lies largely in the solidarity of the Blue Grass region where most of the large farms were situated. The effects of the war had not been so profoundly felt there, due to the fact that stock-raising was of almost equal importance to tilling the soil; hence the freeing of the slaves and the consequent disorganization of the labor supply played much less havoc than elsewhere. The spirit of industry and the evidence of recuperation were marked with the coming of peace, and one kind of interesting reminder still survives in the picturesque stone fences that were built to replace those destroyed during the war.[78] A traveller from Indiana said that he found in this region "more fine houses than I do in Indiana and in some parts of Ohio . . . but not so many fine barns or convenient farm appendages."[79]

[75] Collins, *Kentucky*, I, 185, 198, 202, 269; *Scribner's Monthly*, IX, 135, 145.
[76] *Ninth Census, Industry and Wealth*, 81.
[77] *Ibid.*, 340; *Harper's Monthly*, vol. 63 (June, 1881), 127.
[78] *Cincinnati Gazette*, April 7, Sept. 14, 1865.
[79] *Cincinnati Semi-Weekly Gazette*, Aug. 27, 1867.

The financial position of the state continued sound and steady, as, indeed, it had always been since the days of the state's dance with death in the 'Twenties. The war had played terrible havoc with property values and when it was over the freeing of the slaves sent the state deeper into the pit; but a steady increase began after 1865. Yet by 1871 the valuation of property for purposes of taxation was about $90,000,000 less than it was in 1860. However, a higher tax rate gave the state more than twice the revenue it received in 1860.[80] Banks were strong and prosperous, one of them paying the year after the war a semi-annual dividend of 10 per cent.[81] Kentucky bank notes were at a discount of only 1 per cent., while the notes of Ohio banks were being discounted at 1 to 2 per cent., New York 1 to 1½, Maryland 1 to 2, and Illinois 2 to 5.[82] By the end of 1865, eleven national banks with a capital of over $2,000,000 had been set up. Louisville was one of the important banking centers of the Middle West,[83] and so solid was the banking framework of the state generally that it felt very slightly the shock of the panic of 1873.[84]

The actual debt of the state was steadily lessened from the end of the war until 1871, when it was slightly over $1,000,000; but the sinking fund, composed of various stocks mostly of railways and banks, was more than ample to pay it twice over.[85] D. Howard Smith, the state auditor, said in 1871, "There are but few states, if any, in the Union whose finances are in as sound and healthy a condition as those of Kentucky, and whose taxes are so small."[86] The state was cursed with twenty-eight "pauper counties," a situation, however, not peculiar to this state or time.[87] By 1873, the state was practically free from debt.[88]

[80] Collins, *Kentucky,* I, 225; *Hunt's Merchant Magazine,* LVI (1867), 268, 269; *Ninth Census, Industry and Wealth,* 9; *Georgetown Weekly Times,* March 8, 1871. Taxation values in 1860, 1865, and 1871 respectively were $515,000,000, $359,000,000, and $426,000,000. The revenue in 1860 was $553,000 and in 1871, $1,193,000.

[81] Collins, *Kentucky,* I, 166, 197.

[82] *Cincinnati Commercial,* Jan. 3, 1867.

[83] *Scribner's Monthly,* IX, 140.

[84] Collins, *Kentucky,* I, 246m.

[85] *Georgetown Weekly Times,* June 7, 1871; *Kentucky Yeoman,* Sept. 14, Dec. 6, 1871. On October 10, 1871, the debt was $1,068,394 and the sinking fund, $2,456,494.73. See also *Annual Cyclopædia,* 1865, p. 423 for conditions in 1865.

[86] *Georgetown Weekly Times,* June 21, 1871.

[87] *Ibid.,* March 8.

[88] Collins, *Kentucky,* I, 246u.

The strength of the state's financial position is the more to be marked, when it is remembered that a Federal debt of long standing, incurred in the first year of the war, was yet far from being fully paid. The total amount of this debt had been $4,095,341.[89] There could be no question of its justness as the state had trained and equipped troops and turned over war material to the Federal government, all of which the state was authorized to do and for which payment was promised according to an act of Congress of July 27, 1861. Slightly over half of this debt had been paid by 1867, which, however, lessened very little the insistence of the state for full payment. During this year about $400,000 more was paid, still leaving almost $1,500,00 yet due.[90] Numerous attempts were made to collect the balance; agents were sent to Washington only to be confronted with rules of evidence so manifestly impossible of fulfillment as to leave the state in a quandary.[91] Was this attempt to withhold payment not due to the pique at Washington against Kentucky for her increasing Democratic majorities? Governor Stevenson said that while "war claims from other States for greatly larger amounts have been audited and paid, technical and specious objections are interposed at Washington to the payment of this claim so sacredly due."[92] A newspaper editor directly charged that "Hatred of Kentucky, of her political position, and of her known hostility to this corrupt administration, operated very materially to excite prejudice and to invent pretexts for an act of glaring injustice."[93]

Further payments were reluctantly made until by the beginning of 1872, there still remained $550,000 yet due.[94] Seeking to free the government from further claims, Congress passed an act to take effect on June 30, 1871, repealing the original act of 1861.[95] This aroused Kentucky to redoubled vigor in pushing her claims before the time limit should expire.[96] The Secretary of War finally made the complete settlement at $525,258.92, and drew a requisition on the Treasury for this amount, which the Secretary, however, refused to pay on the grounds of certain rulings made

[89] Collins, *Kentucky*, I, 175.

[90] *Ibid.*, 175; *Annual Cyclopædia*, 1867, p. 423.

[91] See governor's message, Dec. 6, 1869. *Kentucky House Journal*, 1869-1870, pp. 13, 14.

[92] *Lexington Observer and Reporter*, Dec. 4, 1867. Message to legislature, Dec. 2.

[93] *Washington Patriot* quoted in *Georgetown Weekly Times*, Aug. 16, 1871.

[94] *Georgetown Weekly Times*, Jan. 31, 1872.

[95] *Courier-Journal*, Feb. 11, 1871.

[96] *Acts of Kentucky*, 1871, pp. 88, 89. Resolution of March 22nd.

by his predecessors. Governor Leslie applied to the Supreme Court for a mandamus to force payment, but he was unsuccessful.[97] In June, 1872, the debt was put on the road to final settlement by an act of Congress, appropriating $1,000,000 out of which all legitimate Kentucky claims should be paid.[98]

An even more troublesome and more difficult problem was the attempt to secure recompense for the slaves enlisted in the Federal armies, and for which the National government promised to pay not over $300 apiece.[99] Commissioners were soon appointed to bring adjustments in Delaware and Maryland, but likely due to Kentucky's hostile attitude toward the Federal government in the latter part of 1864, Lincoln ordered that no more commissioners be appointed.[100] In May, 1865, the legislature demanded that the Secretary of War appoint commissioners to adjust the claims of Kentuckians, and the question was now injected into the political battles of the day.[101] Helm declared that payment for these slaves was on the same basis as that of the national debt and that if one should be paid the other should also.[102] Early in 1866 the legislature asked all who had claims to certify them to the county court judges, who should send them to Frankfort for a record.[103] Finally arrangements were made to hear the Kentucky claims, but the rules laid down were so exacting that few former slaveholders could profit by them. The claim form required the name of the slave, where he was enlisted, when, and by whom, in what regiment and company, and affidavits of proof of ownership and loyalty.[104] Under the conditions in which the slaves were enlisted, with many of them having left their masters, it was manifestly impossible for the claimants to answer all these questions. In 1867, the act of Congress of 1864 allowing compensation was repealed, and Kentuckians were left without recourse.[105] Few

[97] *Kentucky House Journal,* 1871, 1872, pp. 30, 31. Governor's message, Dec. 6, 1871. See also *Kentucky Yeoman,* Dec. 7, 1871; *Cincinnati Semi-Weekly Gazette,* Nov. 3, 1871; *Georgetown Weekly Times,* Aug. 16, 1871.

[98] *Ibid.,* June 12, 1872; Collins, *Kentucky,* I, 230.

[99] *Ibid.,* 144.

[100] *Annual Cyclopaedia,* 1865, p. 462.

[101] *Acts of Kentucky,* 1865, pp. 161, 162. May 31. See also *Cincinnati Gazette,* Jan. 16, 1865.

[102] *Cincinnati Gazette,* Dec. 15, 1865.

[103] *Acts of Kentucky,* 1865, p. 64. Feb. 17, 1866. See also *Cincinnati Gazette,* Feb. 16, 17, 1866. For the number of slaves enlisted see *Kentucky Documents,* 1865, nos. 18 and 23.

[104] A claim form is preserved in *Breckinridge MSS.,* 1866. See also *Lexington Observer and Reporter,* Dec. 19, 1866.

[105] *Cincinnati Commercial,* April 27, 1867; *Cincinnati Semi-Weekly Gazette,* Jan. 14, 1868.

slave-owners were, thus, ever paid for their slaves enlisted in the Federal armies, and in view of the almost universal opposition of Kentucky to Congress after the war, it is doubtful whether many could have proved themselves sufficiently loyal to recover damages, even had the law remained unrepealed.

But slavery was not the only property concerning which Kentucky sought to recover damages from the Federal government. Many battles had been fought in the state, with the consequent and inevitable destruction of much property; for this Kentucky held the Federal government responsible, and long pressed her claims. Before the war was over she informed Congress that she expected full payment "for losses sustained by rebel raids of all kinds."[106] As time went on various specific claims were strongly urged. General Nelson had in 1862 burned a number of bridges on the Louisville and Bardstown turnpike; Congress should pay for these destructions.[107] Tolls for transporting Federal troops across the Green and Barren rivers yet remained to be paid;[108] and half of Cynthiana destroyed by Morgan's men in chasing the Federals out in 1864, Congress had neither paid for nor rebuilt.[109] Multifarious private claims were presented to Congress and urged by the legislature.[110] When the war ended, provost marshals absconded with state property such as arms and munitions of war; this should be returned or paid for.[111] The salt works near Manchester had been destroyed by Federal troops through the fear that Confederates might seize them. Congress was finally persuaded to vote damages; but Grant vetoed the bill on the ground that military necessity demanded the destruction, and to allow this claim would lay the treasury open to swarms of like claims.[112] The state had little success in its attempts to force collections, regardless of the character of the claims.

Kentucky after the war held an enviable financial position, but it was largely in spite of any claims she was able to collect for damages suffered in the struggle. The real exploitation of the state's natural resources did not come until the Twentieth Century.

[106] Collins, *Kentucky,* I, 130. Jan. 20, 1864.

[107] *Acts of Kentucky,* 1869, pp. 147, 148; Collins, *Kentucky,* I, 199. Jan. 7, 1870.

[108] *Acts of Kentucky,* 1871, p. 109. March 9.

[109] *Ibid.,* 1879, pp. 237, 238. March 6, 1880.

[110] *Ibid., passim.*

[111] *Ibid.,* 1865. Resolution 23, Feb. 15, 1866.

[112] Richardson, *Messages and Papers of the Presidents,* VII, 216, 217; Collins, *Kentucky,* I, 241.

CHAPTER XVIII

SOCIAL CONDITIONS AND EDUCATIONAL AND RELIGIOUS DEVELOPMENT AFTER THE WAR

Social and political connections and alliances came exceedingly close to being the same thing in Kentucky. As has been stated the war led the state into an extreme Confederate and Democratic reaction, which it was long in getting over. There were two traditions which divided the people, the victory for the Union and the "Lost Cause." It is doubtless true that it took very few years for the Confederates to develop the glad feeling that the Union had been saved; but this could never make the cause they fought for less dear to them, nor lead them quite to forget the past enemy. In 1869, a Lexington newspaper editor remarked that "for those who under the cloak of 'devotion to the Union' gratified personal malignity or plundered for private gain there is still amongst our people 'social' ostracism."[1] To many the Union soldiers could never be anything except "Kentucky Tories."[2]

The Confederate tradition was nursed and nurtured in many ways. School books sympathetic to the Southern point of view were used, and other reminders having their psychological effect were employed.[3] "Ladies' Memorial and Monumental Associations" were organized to preserve appropriately the memories of the Confederate dead in bronze and marble. Mrs. John C. Breckinridge was made president of the one in Lexington.[4] The ladies of Cynthiana early set to work to raise money for a Confederate monument, and by 1869 they succeeded in erecting one. W. C. P. Breckinridge spoke at the dedication ceremonies to a crowd of 1,500 people.[5] Monuments were voted and erected in the Frank-

[1] *Lexington Observer and Reporter,* April 10, 1869.

[2] The *Maysville Bulletin* so characterized them. See *Louisville Commercial* March 26, 1870.

[3] *Louisville Commercial,* Oct. 21, 1870. At the state University in Lexington a student tore down the United States flag on the campus and left a note saying, "No negro bureau flag shall float over the Agricultural College while I am a student of the same. A Lover of Right." *Cincinnati Semi-Weekly Gazette,* Nov. 15, 1867.

[4] *Lexington Observer and Reporter,* May 22, 1869.

[5] *Cincinnati Commercial,* May 28, 1869; Collins, *Kentucky,* I, 182, 196.

fort Cemetery to Charles S. Morehead, a former governor who had been arrested at the outbreak of the war,[6] and to Lazarus W. Powell, also a former governor and a bitter critic of the Federal policy during the war.[7] This was the official action of a state, Confederate at heart, which had stayed in the Union during the war. Those who did not receive monuments at the hands of an admiring state got glowing eulogies. Three thousand eight hundred copies of the speech in the legislature praising the life and services of John L. Helm were printed and distributed.[8] The fame of the greatest of all the Confederate leaders was perpetuated in the new county of Lee.[9] Admiral Raphael Symmes toured the state to be admired and heard in his thrilling story of the "Cruise of the Alabama." He reciprocated by giving a part of the proceeds from his lectures to aid in erecting Confederate monuments.[10]

No mean method of keeping alive the Confederate tradition was the re-interment of the dead, killed in battle and unceremoniously disposed of. With loving sympathy Cynthiana re-interred forty-seven of her Confederate dead,[11] and Crab Orchard afforded a final and affectionate resting place for the unknown Southern soldiers who fell in the battle of Wild Cat.[12] The reburial of the victims of Burbridge, shot on the outskirts of Frankfort, was carried out in great solemnity in 1870. Amidst elaborate ceremonies the bodies were placed on a funeral car, drawn through the streets of the town, and lowered into graves in Frankfort Cemetery. Cadets from the Kentucky Military Institute fired a parting volley to honor brave heroes and end a day of sincere mourning. Although it was denied that the demonstration had any semblance of a political character or was "designed to inflame the passions of any person or party," yet it could not but help recall vividly to the disadvantage of the Radicals the days of the war. The *Kentucky Yeoman* said, "It was a simple act of justice to the memory

[6] *Acts of Kentucky,* 1871, pp. 107, 108. March 28, 1872. See also Collins, *Kentucky,* I, 195.

[7] *Ibid.,* 187.

[8] *Ibid.,* 188.

[9] The *Cincinnati Semi-Weekly Gazette,* Nov. 15, 1870, erroneously states that Davis, Morgan, Breckinridge, and Johnson counties were named for Confederates. There was no county bearing the first name, and the others were formed long before the Civil War.

[10] *Cincinnati Semi-Weekly Gazette,* Dec. 20, 1867; Collins, *Kentucky,* I, 184. He also addressed the legislature.

[11] *Ibid.,* 199.

[12] *Ibid.,* 214.

of three innocent men—whose lives were taken without trial, and without the authority of any Christian law or precedent."[13] Perhaps the most spectacular and widely heralded reburial was that of John Morgan, whose body was brought from Richmond, Virginia, and re-interred in the Lexington Cemetery. A tremendous gathering of people came to pay their homage and respect, and more than a hundred of Morgan's own men were present to help honor their great commander.[14] This occasion gave the press of the state another opportunity to indulge in the praise of Confederate soldiers and generals. A Lexington paper said that Morgan rode "down into history a knight of noblest mien and knightliest grace, an equal and worthy companion of Sidney, Bayard, Rupert, Harry Lee, Stuart and those who have illustrated in life, act and death, the loftiest qualities of human nature."[15]

Turning from giving proper recognition to her dead heroes, Kentucky sought to show to those yet living that they were justly appreciated. Foremost among these were John C. Breckinridge, who by his manly bearing and magnetic personality, had early won a place in the affections of the people. When the war was over Kentucky almost instinctively turned to John C. Breckinridge for counsel and leadership; but he was now a fugitive from the Federal government, living beyond the reach of its power. The cry immediately went up for his pardon. Prentice in his *Journal* declared that none could "doubt that, as a loyal citizen, he would be a portion of the intellectual wealth of Kentucky and of the nation."[16] The *Louisville Courier* asked, "Could a better, an abler, or a more gallant man be sent to the United States Senate than John C. Breckinridge? Would he not honor that body more than it could possibly honor him? Would he not stand there without a peer in everything that constitutes true greatness?"[17] Seventy members of the legislature in 1866 petitioned President Johnson to pardon him;[18] and the Louisville City Council two years later renewed the request, as "the name and fame of the Hon. John C. Breckinridge are dear, and his counsel considered valuable as to the concerns of both the State and the republic."[19] Grant thought well

[13] Quoted in Collins, *Kentucky*, I, 207.

[14] *Cincinnati Semi-Weekly Gazette*, May 8, 1868; Collins, *Kentucky*, I, 189.

[15] *Lexington Observer and Reporter*, April 15, 1868. There is an equestrian monument of Morgan in the courthouse square in Lexington.

[16] Quoted in *Cincinnati Gazette*, Oct. 24, 1865.

[17] Quoted *ibid.*, Jan. 30, 1866.

[18] Collins, *Kentucky*, I, 169.

[19] *Ibid.*, 185; *Cincinnati Semi-Weekly Gazette*, Jan. 31, 1868.

of Breckinridge and believed he would have greatly helped the state had he been pardoned and should he have returned and become governor.[20] Kentuckians had a real and keen longing for his return. The *Lexington Observer and Reporter* said in 1868, "The day when Gen. Breckinridge can return to us in safety, will not be more joyful to him than to thousands who love and honor the exiled soldier and statesman. Kentucky, the South, the Democratic party, the whole country sadly needs the aid of his eloquence and counsel."[21]

In March, 1869, Breckinridge returned to his home in Lexington with almost a continuous ovation from the moment he crossed the Kentucky line. Lexington greeted him with a bonfire, rockets, and a serenade.[22] It was said at this time that he was the most beloved Kentuckian alive.[23] He refused to take any further part in politics, and on his death in 1875 the legislature mourned with the whole state and declared that it left "the impartial judgment of history to place him among the actors of his time as his talent and his services may entitle him; feeling no apprehension that posterity will deprecate or underestimate the exalted virtues we know him to possess."[24] Two years later it ordered the erection of a monument to his memory in Lexington.[25]

One of the longest drawn out cases expressive of the general attitude of the people after the war, was the attempt to give eventual justice to Judge Joshua F. Bullitt. This case affords an excellent barometer of the changing attitude of the state toward a complete adherence to the Confederate tradition. As previously noted, Judge Bullitt, chief justice of the Court of Appeals, had been arrested in August, 1864, by Burbridge at the instigation of General Sherman, and banished.[26] Sherman declared that "Bullitt . . . must . . . spend some years abroad and take time to study and reflect on the great theory of self-government which began with old Adam and has made precious little progress since."[27] Bullitt was soon released at Memphis through an ex-

[20] J. R. Young, *Around the World with General Grant* (New York, 1879), II, 461, 462.

[21] Aug. 22.

[22] Collins, *Kentucky*, I, 195; *Cincinnati Commercial*, Feb. 2, 1869; *Cincinnati Semi-Weekly Gazette*, Dec. 29, 1868.

[23] *Ibid.*, March 19, 1869; *Cincinnati Commercial*, March 10, 1869.

[24] *Acts of Kentucky*, 1875, I, 144. Jan. 25, 1876.

[25] *Ibid.*, 1878, I, 176. The statue stands on Cheapside opposite the courthouse.

[26] Collins, *Kentucky*, I, 137, 149.

[27] *Official Records*, ser. I, vol. 39, part 2, p. 249. To James Guthrie, Aug. 14, 1864.

change of prisoners effected by General Forrest; he then went back to Kentucky to assume his official duties. On hearing of his return Burbridge became enraged and ordered his re-arrest, declaring later that he would have shot him had the charges against him been proved.[28] The officer ordered to make the arrest mistook the name Bullitt for Bullock and attempted to seize Judge William F. Bullock, a rather harsh critic of the Federal régime. The latter immediately informed Bullitt who made his escape to Canada.[29]

In January, 1865, the legislature decided to try Judge Bullitt on the charges of violating state and Federal laws and of membership in a treasonable society, and requested Lincoln to permit him to return. A committee was set to work to collect evidence, and soon reported that he was guilty of being a member of the "Sons of Liberty" and that this society was treasonable.[30] On May 24th, Bullitt addressed a letter to Governor Bramlette, explaining at length the whole trouble, how the military authorities did not give him a trial and how he saved his life by flight. He refused to return, in the first place because he had no assurance, despite Palmer's permission, that he would not be re-arrested, and in the second place because he could not expect a fair trial with the state under the heel of the military tyrants—though Bramlette was "elected to the office, Gen. Palmer is governor of the Commonwealth."[31] The house refused to dismiss the first and second charges, which were that Bullitt was a member of the "Sons of Liberty" and that he was guilty of a high crime in conspiring to oppose with force the Federal government, but it decided not to take the evidence on these charges, unless the third charge, that he had vacated his office by absenting himself from the state, was not sufficient for his removal. The legislature showed clearly the trend of opinion by addressing him out of office on this third charge—an accusation true enough, but true only because the state was under the heel of the military tyrants.[32] Acting on this address Governor Bramlette removed Judge Bullitt from office on June 3, 1865.[33]

[28] *Official Records,* ser. I, vol. 39, part 2, p. 151; *Cincinnati Gazette,* May 31, 1865.

[29] *Ibid.,* Jan. 19, May 29.

[30] *Ibid.,* Jan. 11, 14, 27, March 2, 1865; Collins, *Kentucky,* I, 157.

[31] *Kentucky Senate Journal,* 1865, pp. 620, 621; Collins, *Kentucky,* I, 160, 161; *Cincinnati Gazette,* May 31, June 1, 1865.

[32] *Ibid.,* May 25, 26, June 1; Collins, *Kentucky,* I, 160.

[33] *Acts of Kentucky,* 1865, pp. 163, 164.

With the lapse of time and the turning of the people more and more toward the Confederate tradition, a demand for the vindication of Bullitt grew. In 1868, the senate passed resolutions strongly condemning the former legislature for its action, but the house failed to act upon them at this time.[34] The following year complete vindication came. Both houses by overwhelming majorities declared that as Judge Bullitt "was compelled by military despotism to leave the State in order to save himself from illegal arrest and imprisonment" and as he had been addressed out of office, it was their "deliberate opinion" that the ground alleged therefor in the address was palpably untrue and his removal was a "flagrant outrage upon his constitutional rights; a manifest violation of all rules of equality and justice, and an insult to the honor and dignity of the Commonwealth of Kentucky."[35]

Just as the people were determined to vindicate those whom they liked, they were equally determined to drive into obscurity those whom they disliked for their many high crimes and misdemeanors. The most conspicuous example of the latter was General Stephen G. Burbridge of unsavory memory. As had already appeared, he had become a stormy petrel in Kentucky before the war had ended, and so bitter had become the controversy between him and Bramlette, that he had to be removed by Lincoln to quiet the state. It was reported in the latter part of 1865 that he and Bramlette had composed their differences, but even so, the rest of the people refused to be reconciled.[36] They relentlessly pursued him, the most bitterly hated of all Kentuckians, and so untiring were their efforts, that it finally came to the point where he had not a friend left in the state who would raise his voice to defend him.[37]

Such attacks as this in the press of the state kept the people from forgetting that "military Jeffreys of Kentucky": "Does not the ghost of Walter Ferguson haunt Mr. Burbridge? Can he forget the appeals the ladies of Lexington made to him in behalf of this youth, and how he spurned them from his presence, and doomed him to an infamous death? Can he have forgotten so early how he sent young Jameson and Reese of Harrison Co., to

[34] *Cincinnati Semi-Weekly Gazette,* Jan. 24, March 20, 1868; Collins, *Kentucky,* I, 188.

[35] *Acts of Kentucky,* 1869, pp. 116, 117; Collins, *Kentucky,* I, 196. March 16, 1869.

[36] *Cincinnati Gazette,* Oct. 31, 1865; Collins, *Kentucky,* I, 164.

[37] *Cincinnati Commercial,* April, *passim,* 1870.

eternity for no other cause than that they were rebel soldiers? Has the death of Thornt. Lafferty passed out of his mind? And many others we could mention. If he has let him be assured the people have not filled their places yet; and that their homes are desolate and dreary to-day on account of their absence, and that their memory is fresh and green in the hearts of Ky."[38]

Burbridge defended himself by declaring that he was only carrying out the orders of his superiors and that he had not done many of the things charged against him.[39] There were certainly extenuating circumstances which tended to excuse Burbridge, but the mass of the people refused to see them. Some of his acts were no worse than what the laws of the state threatened against guerillas. Persecuted and hunted almost like a wild animal, he was not "able to live in safety or do business in Ky.," he wrote Robert J. Breckinridge, and was therefore asking him for aid in securing a marshalship for the District of Columbia.[40] He bitterly felt the treatment he was receiving from his native state for doing what he considered to be his duty, patriotically and fearlessly rendered. He wrote Brisbin: "My services to my country have caused me to be exiled from my home, and made my wife and children wanderers, while the Government for which I fought seems to care little whether they have bread or not."[41]

In 1868, the legislature started an investigation of his "bloody rule" during the last year of the war, but never completed it.[42] In 1870, he became the occasion of a bitter political wrangle in a three-cornered contest among Governor Stevenson, Senator Thomas C. McCreery, and Representative Thomas L. Jones. Friendship for him was considered so deadly to the further usefulness of a Kentucky official that it seems to have been charged here as a weapon for political advancement. The whole trouble arose over the accusations repeated by Stevenson that McCreery had recommended Burbridge for an appointment in the Federal revenue service. A long and bitter correspondence developed, during the course of which one challenge for a duel passed. It seems that the Kentucky delegation in Congress had given its verbal sanction to the appointment of Burbridge, as in their eyes

[38] *Cynthiana News* quoted in Collins, *Kentucky*, I, 182.

[39] *Ibid.*, 183, 185.

[40] *Breckinridge MSS.*, 1867. Dec. 27.

[41] *Lexington Observer and Reporter*, Nov. 20, 1867. Letter dated, Oct. 5, 1867.

[42] *Cincinnati Semi-Weekly Gazette*, March 17, *passim*, 1868.

all Radicals were equally bad.[43] In describing the imbroglio, the correspondent of the *New York World* said, "The name of Burbridge has been a fire-brand in this State since the days of his harsh and bloody rule here as Commander of the Military Department of Kentucky."[44] Burbridge fell into such complete and utter disrepute that his own party, the Radicals, refused four times to let him have the floor in their convention in Louisville in 1872, and the temporary chairman in defending it said, "You well know that his previous history and general reputation furnish abundant material for the just application to him of almost any epithet. . . ."[45]

The Confederate tradition became the dominant feeling in society, in politics, and in religion. As noted previously, monuments to Confederates were erected on all sides with funds raised privately or appropriated from the public treasury. The graves of Union soldiers might be decorated,[46] but it was not fashionable to mark their memory with statues and monuments in the public squares and parks. If Union soldiers cared to organize the "Army of the Cumberland," it might be well enough, but asked one who fought in the gray, "What foe was it that met this great army and gave it such fields to speak of? If the thousands who wore the blue at Shiloh were heroes, what of the hundreds, who didn't wear the blue? If the vanquished at Chicamauga deserve the laurel wreath of immortality, what of the victor? If he who stormed at Kennesaw mountain merits a palm, what shall be given to him who drove the stormer to the plain below?"[47]

War animosities cut deep into the churches and greatly retarded the development of some of the sects. Congregations split asunder and people lost faith in their churches altogether. One Kentuckian declared that he had "known elders and deacons, as well as private members, to forsake attendance upon divine service, give up even an outward show of holy living, and betake himself to drinking and swearing, all on account of politics."[48] Just as the Confederates won the war in politics, after the military cam-

[43] *Stevenson MSS.*, XXIX, 31618, 31619. Theo. Cook to Stevenson, April 22, 1870. For this correspondence see *Reply of Thomas L. Jones to Governor Stevenson of Kentucky* (pamphlet, 40 pp.); *Cincinnati Commercial,* April 20, 21, 29, May 23, July 11, 1870; Collins, *Kentucky,* I, 203.

[44] Quoted in *Lexington Observer and Reporter,* April 30, 1870.

[45] *Georgetown Weekly Times,* March 27, 1872.

[46] For example see *Cincinnati Semi-Weekly Gazette,* June 2, 1868.

[47] *Lexington Observer and Reporter,* Feb. 12, 1868.

[48] *Cincinnati Gazette,* June 16, 1865.

paigns were over, they also captured the religious strongholds. According to a Lexington minister, "while the great Rebellion as an armed power has been overthrown, the principles on which it was inaugurated and waged, have triumphed in Kentucky, both in churches, and in Legislation. Strange result!" And the reason was that the Kentucky pulpit had "aided the rebellion by refusing to declare the whole counsel of God."[49]

This minister was entirely correct—the churches had plunged into the political turmoils of the war and now they could not hope to escape the consequences of their acts. The Presbyterian Church, dominated by Robert J. Breckinridge, had been the greatest offender; and it was now to be the greatest sufferer. During the war the General Assembly of this church[50] had passed a "testimony on doctrine, loyalty, and freedom" which tended to make of their body "a propagandist of political dogmas and a subsidiary of the War Department." The Synod of Kentucky chafed under these restrictions and in 1864 declared that the church was spiritual and that political disputations were foreign to its concerns. The war was now over and when in 1865 the General Assembly re-affirmed in an intensified form its political deliverances, open rebellion broke out in Kentucky. It was precipitated by the Louisville Presbytery, in the adoption in its meeting at Bardstown on September 2nd of a "Declaration and Testimony against the erroneous and heretical doctrines and practices, which have obtained and been propagated, in the Presbyterian Church in the United States, during the last five years."[51] When the Synod met in Louisville the following October, Robert J. Breckinridge, burning with indignation, introduced a resolution declaring that the majority of the Louisville Presbytery were in "open rebellion against the Church, and open contempt and defiance of her scriptural authority" and that they were "unqualified, unfit, and incompetent" to take part in church affairs. This resolution was lost by a vote of 102 to 25, but the Synod did not

[49] *Breckinridge MSS.*, 1866. L. L. Pinkerton to R. J. Breckinridge, Jan. 23. A disgusted church member said in September, 1865, "For my own part I have almost become a heathen man as I have resolved, not to sit under the ministry of a teacher, that repudiates the commandment requiring allegiance faith and loyalty to our government." *Holt MSS.*, L, 6605-a. J. W. Kincheloe to Holt, Sept. 20.

[50] This was the meeting of the national organization.

[51] Collins, *Kentucky*, I, 468, 469; *Cincinnati Gazette*, March 17, April 29, 1865.

endorse the "Declaration and Testimony," due to a desire to avoid a schism.[52]

The following year the General Assembly met in St. Louis in May, and the Kentucky troubles immediately came up for attention. The delegates from the Louisville Presbytery were excluded, the Presbytery, itself, was dissolved, and the "Declaration and Testimony" was declared to be a slander against the church, schismatical in character, and its adoption to constitute rebellion against the Assembly. When the Kentucky Synod met during the following October, a bitter fight developed over the treatment that had been given the Louisville Presbytery and the signers of the "Declaration and Testimony." The result was a permanent split of the Kentucky Synod into a Northern and Southern branch. The Southern or Confederate element, the "Declaration and Testimony" group, were in a majority,[53] and when the time came to send delegates to the General Assembly, they sent men of their own views. This body now disowned them, unless they should recant and repent. This they refused to do, and so in the next meeting of the Synod, at Lebanon, they decided to break away from the General Assembly of the Presbyterian Church in the United States of America (the Northern organization). Thereupon they sent commissioners to Nashville to negotiate with the General Assembly of the Presbyterian church in the United States (the Southern organization). A union was effected and within two years this synod was in full accord with and a part of the Southern branch.[54] Just as the politicians had said that the state had waited until after the war to secede, so might the churchmen with good reason and truth say that the church chose the same time to split.

This schism of the Presbyterians left a long train of bitterness and litigation in its trail. During the years while the trouble was developing, the church had been shaken to its very foundations.[55] Robert J. Breckinridge was the uncompromising leader of the supporters of the Northern Assembly, while Stuart Robinson, who loved a fight scarcely less, led the "Declaration and Testimony"

[52] *Annual Cyclopaedia,* 1865, pp. 704, 705; *Cincinnati Gazette,* Oct. 13, 14, 16, 19, 1865; Collins, *Kentucky,* I, 469.

[53] *Annual Cyclopaedia,* 1866, p. 622; Collins, *Kentucky,* I, 174, 470, 471; *Cincinnati Gazette,* June 26, 1866.

[54] *Annual Cyclopaedia,* 1867, p. 628; 1868, pp. 634-637; Collins, *Kentucky,* I, 471, 472. The Southern branch had been known during the war as the General Assembly of the Presbyterian Church of the Confederate States.

[55] *Breckinridge MSS.,* 1866, *passim; Cincinnati Gazette,* Sept. 20, 1866.

group. Breckinridge denounced the Robinson split as "a most dangerous heresy & schism, initiated and pressed by the worst man I ever knew in the ministry,"[56] and with an almost consuming passion he declared that how anyone could "deliberately select this handful of turbulent and debauched hereticks, in preference to the church of God" was more than he could understand.[57] But Breckinridge was not without his critics, who declared that he was domineering, uncompromising, and unreasoning, that he would brook no divergence from his opinions, and that he would rule or ruin. Even the far off *New York News* warned him that "if he persists in following the example of a wicked world, and attempts to coerce the opinions of men as holy as himself, he will miss the grand opportunity of his life, and will discover that the tenacity with which he clings to his purpose is more than matched by the obstinacy of those that confront him. No power on earth or under it will ever make the protesting Presbyterians of Kentucky call the evil deliverances of the late assemblies good."[58]

Wrangles within congregations swept over the state, and destroyed the last peaceful refuge of a sorely tried people. For example there were 43 in the Mount Sterling church—23 for the Assembly, 18 against it, and 1 doubtful;[59] but in most cases the opponents of the Assembly were in the ascendency. As each faction developed its own separate organization, quarrels over the church property immediately set in. The pastor of the South Carrolton Church wrote Robert J. Breckinridge that "3 sisters and myself adhere to the Old Church Assembly while the ss (Isaac Bard) 1 Ruling elder & 31 Lay Members are followers of Stuart Robison [*sic*] the church Property consists of a rough loghouse (in a delapidaded condition) a lot of ground worth 25 dollars probably & a small Sunday School library." His position was truly desperate; what should he do?[60] The Lexington church was in confusion and turmoil, and Breckinridge was appealed to for advice: "Shall a meeting of the pew holders be called & Branch asked to resign? Or shall the trustees be instructed to take possession of the church & forbid him to preach in it, and then force the other party to sue for the property. Our people are warm

[56] *Breckinridge MSS.*, 1866. To W. C. P. Breckinridge, June 26.
[57] *Ibid.*
[58] Quoted in *Lexington Observer and Reporter*, Dec. 27, 1865.
[59] *Breckinridge MSS.*, 1866. H. C. Rainey to Breckinridge, Oct. 12.
[60] *Ibid.*, 1867. From Henry Tinsley, Feb. 16.

and I desire to get something done while the steam is up."[61] Up from Bowling Green came the cry that "Smoat and his party hold the church—intend to do so until they are ejected by civil process —and will exclude us from it—spiritually and physically as long as possible."[62] And so the story went.

In some instances Breckinridge would have each faction use the church alternately, but his opponents generally refused to agree —often he himself was shut out and forced to use the churches of other denominations.[63] Contests arose over the control of church property in Louisville and ran the gamut of the state courts and through diversity of citizenship entered the Federal courts.[64] Centre College afforded the most celebrated and long drawn out litigation. The two rival synods were striving to control this institution, and in persuance of this attempt the "Declaration and Testimony" adherents had a bill introduced in the legislature to bring the school into their power. After a long discussion this measure failed.[65] In 1870 the courts were appealed to by the Southern synod to seat the trustees it had appointed. The Danville Circuit Court dismissed the case and left the Northern synod in control. Later, attempts were made without success to unite both rival synods in support of the college.[66] Finally in 1873, the Court of Appeals definitely terminated the struggle by leaving the property in the hands of the Northern synod.[67]

The Presbyterians, though only fourth in numbers among the denominations of the state, were far more important in influence. Their troubles during and following the war were unfortunate for the church, and by cutting the organization into two parts greatly retarded the growth of Presbyterianism in the state. The Northern branch, as before noted, had fewer members than the Southern, and for a time continued to become weaker. Four years after the schism it still had a thousand fewer members than it had at the break.[68] One disgusted pastor complained: "My radical brethren,

[61] *Breckinridge MSS.*, 1866. From W. O. Goodloe, Oct. 15.
[62] *Ibid.*, 1867. Loring Rhodes to R. J. Breckinridge, May 18.
[63] *Ibid.*, 1866, 1867, *passim.*
[64] *Cincinnati Commercial,* Oct. 13, 1868; Collins, *Kentucky,* I, 183.
[65] *Ibid.*, 177, 178.
[66] *Ibid.*, 206, 207.
[67] *Ibid.*, 246g, 246h.
[68] Collins, *Kentucky,* I, 459, 473. In 1866 there were probably 13,000 Presbyterians in the state. In 1868 there were 6,811 adhering to the Northern synod, while in 1871 the number was 5,721.

generally, are of no account. They say I am right, and yet the whole of them together, have not given me thirty dollars in the last year, although I am the only preacher among them, that has continued to struggle against the iniquities of insurrection. I cannot well restrain a feeling of contempt for them. They do nothing but drivel and dandle and snivel, while the rebel element constantly absorbs more and more of them. . . . If I had, or could get the means of living, I would take to the hills and mountains and try to save what loyalty still may be found there, or if I could I would blister the rebels occasionally with an essay, and at the same time keep up the hopes of the loyal portion of our people."[69]

The Methodists were the only other denomination very greatly disturbed by sectional and wartime animosities after 1865. Twenty years earlier when the national organization split, they had by an overwhelming majority joined the Southern branch. The Northern part continued to exist in a shadowy "Kentucky Conference," which had about 3,000 members when the war ended. The Southern branch, in keeping with the spirit of its original organization, asked no question of the returning Confederates, unless indeed it was for the purpose of praising or elevating them. Some of the Unionist congregations refused to accept "rebel preachers" sent them and laid plans for effecting a union with the Northern branch. L. D. Houston was sent to the Covington church, but as his Unionism did not suit them, they refused to receive him. In October he was arrested under a senseless order of Palmer's but was immediately released through the interposition of Grant. One of the reasons alleged for his arrest was his opposition to the union of the Kentucky Conference (Southern), which embraced the eastern part of the state, with the Northern branch. In the conference at Covington in September such a union had been attempted, and on its failure eighteen delegates had seceded and were received into the Northern group. The Northern adherents grew by leaps and bounds with the coming of the negroes into their organization—in 1866 there were 6,896 members; 1867, 7,101; 1868, 17,350; 1870, 19,508. However, the Colored Methodist Zion Church declared its neutrality and refused "to join the church North and the church South, but to stand, as we have always stood, occupying a middle position." The Southern adher-

[69] *Breckinridge MSS.*, 1867. L. L. Pinkerton to R. J. Breckinridge. Jan. 21.

ents still continued far in the majority, with over 45,000 white members and about 500 colored.[70]

The Baptists were the most numerous denomination in the state, having grown from 81,262 in 1860 to 115,034 in 1870. About 30,000 of those at the latter date were colored. The war animosities had little effect on this denomination; the General Assembly voted harmoniously in 1865 to continue as a part of the Southern Baptist Convention.[71] Although it was one of the minor churches of the state in point of membership, the Roman Catholics stood first in value of church property.[72] Among the fraternal orders the Masons were strongest with their 20,000 members in 1871, which was a larger number than could be found in any other Southern state except Missouri.[73]

The ministers and churchmen of Kentucky were no less human than other Kentuckians; their likes and dislikes were as strongly pronounced as those of the laymen. They proved time and again that politics and war touched the church almost as closely as they did the state, and showed that the average Kentucky minister could not weave around himself a cocoon of religion impervious to the swirl of life about him. Perhaps the Kentucky minister had more trouble in his churches than was the case in any other state; and this was doubtless true not only because he had congregations made up of the strong, the robust, the self-willed, and the bellicose, but also because he himself likely possessed these qualities to an equally great degree. He loved disputation; and if war prejudices had run their course by 1871, other ills and evils had not. The *Courier-Journal* declared "Our theologians still habitually carry their moral bowie-knives and revolvers, ready to draw their weapons at the slightest provocation, and eager to find a free fight."[74]

The system of public education, which had never greatly concerned the lawmakers, was in a deplorable condition with the coming of peace. The war had played havoc with the rudimentary and inefficient organization, causing over 700 districts to be dis-

[70] *Lexington Observer and Reporter,* June 23, 1869; Battle, Perrin, and Kniffin, *Kentucky,* 474; Collins, *Kentucky,* I, 163; *Cincinnati Commercial,* Oct. 2, 1865; *Annual Cyclopaedia,* 1865, pp. 550-553; 1866, pp. 488-491; 1867, pp. 494, 495; 1868, pp. 479, 480; *Holt MSS.,* LI, 7065, J. W. Kincheloe to Holt, Jan. 17, 1866.

[71] *Annual Cyclopaedia,* 1865, p. 106; Collins, *Kentucky,* I, 422, 423.

[72] *Ibid.,* 490.

[73] *Ibid.,* 524.

[74] Nov. 27, 1871.

continued. The school term was for three months and the fund for educational work was less than $200,000 annually. The people who controlled the state—who owned the property and made the laws—had never caught the vision of extending education to the masses. Their children were taken care of by private tutors or in private schools; that other children also needed educating did not seem to them to be their concern. Writing about this time, a Kentuckian said, "Ten years ago, a man in the blue grass country, worth $10,000 would as soon have thought of sending his children to the poor-house as to the public school. The public school was generally regarded as a charity, devised for the education of paupers, but not to be countenanced by the rich, save as a benefaction to the poor."[75]

In 1867, with the election of Zach F. Smith as state superintendent of education, a new era began. The building up of an educational system worthy of the state became a veritable passion with him, and to him credit is due for really introducing education to the people. He was able to instill into the people some of the enthusiasm that had so clearly manifested itself in the material development of the state. His first annual report was a clear call to the legislature to bestir itself. The people had shown on many occasions their desire for education, but the lawmaking bodies "had been almost uniformly unfriendly, indifferent, and evasive." He called for a complete reform throughout: There should be more districts; and there should be more teachers better paid and trained; interested and awakened school commissioners were needed; and a system of high schools should be set up. More money would, of course, be necessary, and the state was well able to raise it. The paltry five mills on the dollar should be raised to twenty.[76]

Smith set about his program with such insistency that he soon had education an important topic for discussion in the press and on the platform, in the home and around the country crossroads stores. In the eyes of the Democratic politicians more education would be good political strategy, for counties voted Radical, it was observed, in proportion to their lack of schools.[77] The state should give more for schools and less for wolf and fox scalps, thought a Blue Grass editor, for there were many poor mountain

[75] Quoted in Battle, Perrin, and Kniffin, *Kentucky*, 480.

[76] Hamlett, *History of Education in Kentucky*, 106-110; Collins, *Kentucky*, I, 183, 504-507.

[77] *Kentucky Gazette*, Nov. 16, 1867.

families who "think that their children are more profitably employed in hunting foxes than in seeking knowledge."[78] An act was passed allowing the people to vote in the regular August election of 1869 on an increase of school taxes to twenty mills on the dollar. Considerable opposition was shown by the designing politicians. In arguing for the increase Smith said that from the day the tax should be voted "we will begin to see, under our new *régime* new and handsome schoolhouses springing up in every neighborhood."[79] The people were so thoroughly aroused that they voted the increase by a majority of 25,000, and thereby proved Smith's contention that the masses of the people were hungering for education.[80]

Remarkable progress was soon evident. The school receipts increased from less than $400,000 in 1869 to almost $1,000,000 in 1871; the number of districts was increased from 4,477 to 5,177; the number of pupils grew from 376,000 to 405,000; and the length of the school term from three months to five. District school libraries were started, and a law was soon passed requiring each district to purchase a copy of Collin's *History of Kentucky.*[81] The old teachers' association was revived,[82] and teachers' institutes were started in many counties.[83] The awakened people were thus described by a contemporary, "The popular demand has grown fierce and clamorous, and the waves of agitation refuse to be quieted until the consummation of a grand and efficient school system, freely endowed and equipped for its mission of statesmanship and philanthropy, shall honor the name of Kentucky throughout the civilized world."[84] Yet in 1871 there were 40,000 adult white males who could neither read nor write—the task to be accomplished was, indeed, a challenge to the people's best enthusiasm and courage.

Higher education in the state had a varied course. There were various denominational schools, but no genuine state university. Transylvania University had come nearest to such an institution,

[78] *Kentucky Gazette,* Nov. 16, 1867.

[79] *Lexington Observer and Reporter,* Jan. 23, 1869.

[80] *Ibid.,* Aug. 14; *Kentucky Yeoman,* Oct. 11, 1870; *Cincinnati Commercial,* Nov. 17, 1869; Collins, *Kentucky,* I, 197.

[81] Collins, *Kentucky,* I, 213. Any district by a popular vote might refuse to make the purchase.

[82] *Breckinridge MSS.,* 1865; *Cincinnati Commercial,* Aug. 4, 1865.

[83] Collins, *Kentucky,* I, 197, 215.

[84] Hamlett, *History of Education in Kentucky,* 115; Collins, *Kentucky,* I, 505.

as it passed from one denomination to another, but generally in co-partnership with the state. In 1865 it was united with Kentucky University, a Christian institution in Harrodsburg whose buildings had been burned in 1864. It assumed the name of the latter but kept its own buildings. John B. Bowman, the moving spirit in this work, became the regent. Kentucky's part of the public domain given to the states to foster agricultural and mechanical colleges was 330,000 acres. The state soon sold this land for $165,000, and used the proceeds to set up the new agricultural and mechanical colleges as a part of Kentucky University. The Baptists objected to this mixing of church and state; but the two remained united until 1878.[85] Besides the endowments of Transylvania and the old Kentucky University, $50,000 was voted to the University by Congress in 1870 as an indemnity for damages done the former during the war.[86]

Negro education in the state as already noted, began around the efforts of the Freedmen's Bureau. Negroes paid no school taxes into the general fund; their schools were supported from the receipts from their poll taxes, excepting a sufficient amount to care for their paupers. The negroes felt aggrieved at their meagre school facilities, and with the rapid growth of the white schools, soon came to demand equality in educational opportunities. In 1873, they threatened "to take all proper steps necessary in the State and Federal Court or Courts to obtain, by legal process, equal school advantages and facilities."[87] Berea College re-opened soon after the war, admitted two negro soldiers, and continued to receive negro students with the two races maintaining "their separate social life with entire propriety," until the usage was prohibited by an act of the legislature in 1904.[88]

The press was a powerful element in Kentucky consciousness and in its development. One of the editors said that its power was "almost imperial in moulding and directing public sentiment" and "its influence for good or evil . . . incalculable."[89] Kentucky

[85] Smith, *Kentucky*, 725; Hamlett, *History of Education in Kentucky*, 293, 294; Collins, *Kentucky*, I, 181, II, 185, 186; *Lexington Observer and Reporter*, Oct. 9, 1867.

[86] *Congressional Globe*, 41 cong., 2 sess. (1869-1870), part 3, pp. 2830, 3145, 5538; part 4, p. 3145; part 6, pp. 5523, 5598, 5599. The present University of Kentucky did not start in a separate existence until much later.

[87] *Cynthiana News*, Dec. 18, 1873; *Kentucky Yeoman*, Dec. 6, 1871; *Acts of Kentucky*, 1867, p. 4; *Cincinnati Commercial*, July 15, 1869.

[88] *General Catalogue, Berea College*, 1919-1920, p. 29.

[89] *Lexington Observer and Reporter*, Dec. 22, 1869.

had a fair share of newspapers, many of them continuing from the early part of the century when the state had stood first in journalism throughout all the states west of the Alleghanies."[90] In 1869, there were 72 newspapers published in the state, of which 49 were political. There were 2 tri-weeklies, 3 semi-weeklies, 7 dailies, 9 monthlies, and 51 weeklies. The ability of the Kentucky editors at this time was marked. As noted by one of them, "Three-fourths, if not more, of the number of gentlemen connected with the state press are young men whose earnestness, ability, culture and moral force have so elevated the tone and character of the press of Kentucky that it stands to-day with few equals and no superiors in all this broad land."[91] In 1869, the Kentucky Press Association was organized with George D. Prentice as president. One of the purposes that permeated the first session was to elevate journalistic standards. Resolutions were passed against editors abusing the freedom of the press, and "favoring an elevated standard, which will discountenance unbridled license and licentiousness."[92]

The greatest journalistic center in the state was Louisville with its three oustanding dailies, the *Journal,* the *Courier,* and the *Democrat.* The *Journal* under Prentice, not only "the foremost journalist of Kentucky and the entire South, but also one of the greatest editors of the middle nineteenth century,"[93] had long been the leading paper of the state. Standing for the Union during the war, it soon thereafter became strongly Democratic. The *Courier,* established and edited by Walter N. Haldeman, was suppressed during the war and the editor driven out of the state. At the end of hostilities he returned, reëstablished the *Courier,* and with his war record soon began to push aside the *Journal,* which had not so long a record of pure Democracy. The addition of Simon B. Buckner to the staff, arch traitor in the eyes of the Unionists, gave the paper still greater prestige. The *Democrat,* founded and edited by John H. Harney, conformed to conditions imposed upon the state during the war, but when the armies departed it swerved away with the *Journal.* In fact there were now three Democratic dailies in Louisville seeking the same patronage with largely the

[90] For a characterization of the press see *Lexington Observer and Reporter,* Oct. 26, 1867.

[91] *Ibid.,* May 15, 1869. See also Collins, *Kentucky,* I, 199, 200.

[92] *Cincinnati Semi-Weekly Gazette,* Jan. 15, 1869; *Lexington Observer and Reporter,* Jan. 13, 1869. See also *Cincinnati Commercial,* Jan. 14, 1869; Collins, *Kentucky,* I, 199, 229.

[93] J. M. Lee, *History of American Journalism* (Boston, 1917), 340.

same stock in trade. As a Cincinnati newspaper correspondent saw it, "The Courier man sings psalms to the dead ass of treason, and morning, noon, and night glorifies the rebellion, while brother Harney of the Democrat, splutters and flutters around the edge of loyalty, and the wheezy old Journal lumbers along, uttering its crazy jabberings to an uninterested public."[94]

The scene was laid for important changes: Prentice was grown old and feeble in the service; Harney died in January, 1868; Haldeman was ambitious and capable. So it came about in November, 1868, that Haldeman succeeded in combining two of these three papers under the name of the *Courier-Journal* with Prentice still an editor and with the rising young Henry Watterson continued from the *Journal,* which he had recently joined.[95] The *Democrat* struggled on for a time. A little more than a year later Prentice died, and Watterson continued the tradition, in the *Courier-Journal,* of one of the mightiest editorial forces west of the Alleghanies.[96]

Lexington, Frankfort, Maysville, and other cities had editors of more than local reputation and surpassing mediocre ability. William C. P. Breckinridge edited the *Lexington Observer and Reporter* from 1866 to 1868 and was succeeded by George W. Ranck. Henry T. Stanton, famous as a poet, edited the *Maysville Bulletin,* while J. Stoddard Johnston ably conducted the *Frankfort Yeoman.*[97] Albert G. Hodges made the *Frankfort Commonwealth* an outstanding publication, not only by his ability but also by diverging from the Democratic majority, discontinuing the paper only when the Republicans after Grant's first term had got beyond his point of endurance.[98]

Outside of the *Commonwealth* the Radicals had few defenders or apologists of any consequence in the newspapers of the state. In the presidential campaign of 1872, 53 of the Kentucky papers supported Greeley and only 5, Grant.[99] The Cincinnati press continued its attempts to aid the Kentucky Radicals, but suffering the handicap of being on the "outside," its influence was often more

[94] *Cincinnati Commercial,* May 31, 1867. See also *Cincinnati Semi-Weekly Gazette,* May 8, 1868.

[95] *Ibid.,* Jan. 28, Nov. 13, 24, Dec. 15, 1868; Collins, *Kentucky,* I, 193.

[96] *Ibid.,* Jan. 25, Dec. 20, 1870; Collins, *Kentucky,* I, 200.

[97] *Library of Southern Literature,* VI, 2741-2743; XI, 5083-5085.

[98] Collins, *Kentucky,* I, 228.

[99] *Georgetown Weekly Times,* Sept. 4, 1872.

harmful than helpful.[100] As the Radicals became less "radical" and drifted more into plain Republicanism, a strong movement was started to set up a "safe and sane" daily, which would stand for the real welfare of the state first and politics afterwards. In this connection the *Commonwealth* said, "We could indeed wish that a score of energetic organs of Republicanism could be planted in the fruitful soil of Kentucky, as the dispensation of light and truth, would soon scatter the clouds that hover over its growth and progress, and inaugurate a new order of things."[101] Republican conventions repeatedly resolved in favor of such a paper, and the party organization was called on to help.[102] Finally by November, 1869, plans had been completed with Benjamin H. Bristow, W. A. Meriwether, and A. A. Burton as directors, and on December 29th following, the first issue of the *Louisville Daily Commercial* appeared on the streets of Louisville.[103] It was made up in a very large sized sheet, and fulfilled well the high tone its founders had intended.

The genius of Kentuckians was best expressed in war and politics, proof of which has already appeared. There could be little literary progress, therefore, during the war decade, untinged by a martial or political color. So it was then that such men as Prentice, J. Stoddard Johnston, and Henry T. Stanton came out as newspaper editors of a literary trend, rather than as pure literary men for letters' sake. A few Kentuckians, mostly women, wrote poetry of more than local note, among whom might be mentioned Mrs. Neely Marshall McAfee, Mrs. Florence Anderson Clark, and Mrs. Annie Chambers Ketchum.[104]

As the people got farther away from the war, they began to develop interests and thoughts unconnected with the past struggle. Thus did the woman suffrage movement make its appearance. The traditional Kentucky woman would most likely be among the last to embrace this strange importation—for importation it was. Dissatisfied "Yankee girls" had made their appearance only two years after the war had ended, and sensing a way to get a hearing, proceeded to suggest woman suffrage as a method of overcoming

[100] See *Cincinnati Gazette,* Nov. 13, 1866; *Cincinnati Semi-Weekly Gazette,* March 16, May 28, 1869; *Cincinnati Commercial,* Jan. 8, 1867.

[101] Jan. 1, 1869.

[102] *Cincinnati Semi-Weekly Gazette,* July 24, Aug. 7, 28, 1868, May 28, June 4, 11, Aug. 20, 1869.

[103] *Ibid.,* Nov. 30, Dec. 31.

[104] Collins, *Kentucky,* I, 600-602.

negro suffrage.[105] The seeds were being sown but nothing but rocky ground awaited them in Kentucky. "Who wants to be buttonholed by a ardent Jerusha," queried the *Frankfort Commonwealth,* "whose husband is a candidate for office, and on declining to vote for her lesser half, be told, with accompanying demonstrations, that he is 'a lazy good-for-nothing—a mean contemptible fellow?' Who wants to go from house to house, taking tea, and chattering on neighborhood gossip, with all the old maids in the country, whenever a race is close and more votes are wanted?"[106]

Woman suffrage tickled the risibility of Kentucky politicians and statesmen; it was absolutely ridiculous. The movement was carried on only by those women whose names were forgotten when marriage licenses were being issued; and the solution to this vexed question was in fact amazingly simple. Just let "the gallant Kentucky legislators, who live in simple wretchedness, . . . marry these fussy old Yankee girls, and convert them into sensible women."[107] But the advocates of this "new departure" were not to be so easily brushed aside. "The female suffrage shriekers of the country, petitioned the Kentucky legislature to hear them for their cause. The reception of the memorial was the occasion for some merriment, but, of course, a dignified body like our General Assembly could not seriously consider a proposition as silly as is entertained by these strong-minded females."[108] Lucy Stone was the moving spirit in the petition; Elizabeth Cady Stanton was also in the state carrying the message directly to the people, in her lecture, "The Coming Girl." She appeared in Louisville despite the protest of Parson Stuart Robinson that she was "notorious as the leader of a fiery partisan infidel assault upon, not only our common Christianity, but our social order and civilization."[109] Yet some of the women were seduced and mislead, for the report came from Dayton (Kentucky) that the women there had with a martial attitude walked up to the polls and cast their ballots.[110] The movement, however, never became widespread and soon died down to re-appear at a much later time.

Almost as much out of place to a Kentuckian as woman suffrage was prohibition. In ante-bellum days the temperance movement

[105] *Cincinnati Commercial,* Feb. 9, 1867. A Mrs. Blackwell of New York used this argument in an address before the Kentucky legislature.

[106] July 9, 1869.

[107] Editorial in *Georgetown Weekly Times,* Feb. 28, 1872.

[108] *Ibid.*

[109] Collins, *Kentucky,* I, 235.

[110] *Georgetown Weekly Times,* Jan. 1872.

had attained considerable proportions, but with the coming of the war with its attendant confusions, it had been largely forgotten. Now it was being revived again. In Covington a celebration took place in February, 1869, marking the fact that during the preceding month over one thousand people had signed the pledge of abstinence. Three months later a state temperance convention met here.[111] Numerous petitions began to pour into the state legislature demanding the prohibition of liquor licenses, and a bill was introduced making the retailer of liquor responsible for the acts of persons who should be made drunk on liquor sold by him.[112] About this time laws were passed allowing local option in twenty-three counties.[113] Governor Leslie drew the applause of the Bourbon Knights Templar when he excluded liquor from one of his official receptions.[114] Although this movement was primarily against the *sale* of liquors due to the strongly entrenched economic position of the distillers, yet there was strong opposition to its manufacture. The opponents charged that the whole movement was trumped up by the Radicals and that the petitions were signed for the most part by children and negroes.[115] Temperance was an unpopular subject in Kentucky now, and was long to remain so.

The spirit of progress was evident, nevertheless, in different fields of legislation, social as well as economic. The various charitable institutions of the state were receiving more attention. Their cost to the state in 1871 was almost a quarter of a million dollars more than double the amount expended in 1865.[116] The charitable feeling of the people overstepped formal laws in the outpourings for the Chicago fire sufferers. Louisville alone contributed $160,000.[117] In 1869, the legislature appropriated $50,000 to set up "A House of Reform for Juvenile Delinquents";[118] and $300 was expended a little later in purchasing religious and historical books for the hardened convicts in the penitentiary.[119] Prize-fighting was considered demoralizing and those engaging in it

[111] Collins, *Kentucky*, I, 195, 196.
[112] *Georgetown Weekly Times*, Feb. 21, 1872.
[113] Collins, *Kentucky*, I, 224.
[114] *Ibid.*, 227.
[115] *Stevenson MSS.*, XXIX. Geo. O'Neal to Stevenson, Dec. 4, 1873.
[116] Collins, *Kentucky*, I, 187, 193, 194, 222.
[117] *Ibid.*, 220. The Soldiers' Protective Association was an organization which began to spread over the state in 1869 for the purpose of affording relief to disabled Federal soldiers. *Cincinnati Commercial*, Jan. 9, 1869.
[118] Collins, *Kentucky*, I, 194.
[119] *Ibid.*, 202.

were subject to as high a penalty as $1,000 fine and twelve months imprisonment.[120] The Kentucky State Medical Society in 1867 petitioned the legislature to repass the old law requiring the keeping of vital statistics, which had been repealed in 1862 due to war retrenchments.[121] Four years later such a law was reënacted.[122] In 1870, a law was passed fining those who became so thrifty as to sell milk diluted with water, or milk from cows fed on "still or brewers' slop."[123] The state by this time had become industrialized sufficiently to have labor troubles, and the railroads had learned the rule of charging what the traffic would bear. The outcry against these "soulless corporations" became insistent; the results were a law fixing rates and an investigation looking toward forcing them to use various safety appliances.[124]

Baseball invaded the state as early as 1867, to become a sport both for taking part in and for watching. The higher the score the better the game—21 to 26 and 20 to 67, indicating the character of the games in Louisville.[125] Dancing, though hardly classified as a sport, was almost so among Kentuckians; for it was so widespread and prolonged that it came near developing into an endurance contest. Travellers in the state could always report coming into contact with dancing parties; and according to one observant wayfarer, "At nearly every station the fair sex and the unfair sex got on and off the train together, all going to or coming from a ball. Dancing seems to be the order of the day in gay old Kentucky. The conversation of the local passengers was mostly confined to all kinds of dances, from the private parlor hop to the mammoth ditto in public places, free to all."[126] The beauty of the Kentucky girl was already a tradition, and the outsider who came to scoff went away to praise.[127] "It is a solemn fact, not to be disputed, that the blue grass girls of Kentucky are the handsomest in the country," admitted a traveller in 1867.[128]

[120] *Acts of Kentucky,* 1869, pp. 24, 25. Feb. 12.

[121] *Breckinridge MSS.,* 1867.

[122] *Kentucky Yeoman,* Dec. 6, 1871. Cholera was prevalent in the state especially among the negroes from 1867 to 1876. Collins, *Kentucky,* I, 174-246x, *passim.*

[123] *Ibid.,* 202.

[124] *Lexington Observer and Reporter,* Dec. 30, 1868, Jan. 22, 1870; Collins, *Kentucky,* I, 169, 215.

[125] *Cincinnati Commercial,* June 12, Aug. 30, 1867.

[126] *Ibid.,* Oct. 20, 1869.

[127] *Ibid.,* Oct. 20, 1869.

[128] *Ibid.,* Sept 9, 1867.

An element in the social fabric already noteworthy and long to continue so, was the Kentucky colonel. Most Kentucky gentlemen naturally carried the title of colonel or judge. A traveller on the train from Louisville to Frankfort noted that "Every man in the car was a Judge, or a Colonel or a General except one, and he was the gentlemanly and urbane conductor."[129]

Unquestionably Kentuckians were simply different. They got into the war in their own way, fought it in their own way, and came out of it in their own way. If they should wait until after the war to secede, whose right was it but their own; and if churches had broken in other states due to sectional arguments, why should not a Kentucky church stand even the strains of a war, only to crumble when peace should come. Kentuckians were not like their neighbors, and of this they were duly proud. Yet all their differences were not due to their excellencies or to their superior traits, nor, indeed, to backwardness. Their greatest shame, of which they were well conscious, was their slow material development and their miserable school system. They soon produced much commendable enthusiasm for both, which led them far out of the wilderness of mud and ignorance. They were now on the high road to travel far—even to the "moonlight schools" of a quarter century later.

[129] *Cincinnati Commercial,* Jan. 12, 1871.

CHAPTER XIX

RADICALISM, NEGRO SUFFRAGE, AND THE END OF AN ERA

The way of the Kentucky Radical was, indeed, hard, but it was yet to become harder before it dipped to the abysmal depths of popular condemnation. There had been up to this time a group of discontents, varying in size and constancy, who had refused to follow the Confederate Democracy, but who could not endure the idea of terminating their career by attaching themselves to the unspeakable Radicals. They had run an uncertain course as a third party, never coming as close to the offices as even the Radicals had, but, nevertheless, preventing the Democratic vote from becoming a complete avalanche. But their days were now drawing to a close, and their strength was to be added to that of the overwhelming Democracy.

Amidst the rejoicing over their sweeping victory of August, 1867, the Democrats took time to think of the wretchedness of the Conservatives and to extend a hand of welcome. "Can we not once more in the hour of victory," said a Lexington editor, "appeal to the Conservative men of the Third party to unite with us in our efforts to make this contest victorious? . . . You who are not Radical, who at heart love freedom, who love your State and its honor and integrity, we urge to unite with us."[1] Governor Helm in his inaugural a month later declared that to his mind "a large majority of the rank and file" of the Conservatives were "honest and patriotic men" and that it was only "a few selfish, ambitious, and designing men belonging to the organization, who through it" were trying "to bring dishonor, disgrace, and ruin upon the State." Nine-tenths of all good Democrats would welcome the Conservatives back.[2] Five days later Helm was dead, and Governor Stevenson, who followed, continued to hold out the beckoning hand.[3]

[1] *Lexington Observer and Reporter,* Aug. 7, 1867.

[2] *Ibid.,* Sept. 7, 1867.

[3] *Cincinnati Semi-Weeky Gazette,* Dec. 10, 1867; *Annual Cyclopaedia,* 1867, p. 423. Message to legislature.

Conversations were soon on between the two groups, developing toward a definite plan of union.[4] Col. Richard Jacob, one of the Conservative leaders, laid down the demand that there must be "an honorable division" of the party machinery, "that this unjust warfare against Union men must cease," that the Democrats must first admit that the doctrine of secession was settled by the war adversely and secondly that they must extend "thanks to the soldiers and sailors who suppressed the rebellion."[5] Some of the other leaders also began to show signs of deserting; Bramlette soon left and Harney was on the verge of going.[6] In December, 1867, the party leaders announced a meeting to be held in the following January, looking to a union with the Democrats to make "one solid and effective body of opposition to Radicalism."[7] On January 8th, they met in Louisville, and without securing any concessions from the Democrats, called upon all Conservatives to support the Democratic candidates there.[8] Soon Col. Frank Wolford, with his record as a Union officer behind him, was up saying, "I am proud of the Confederate soldiers for there is not a man who belonged to the Confederate army worthy the name, whom I do not love as a true man, because he is now ready to give battle in behalf of freedom, independence, and constitutional liberty."[9] Most of the leaders of the Conservatives as well as the rank and file joined the Democrats; a few with John M. Harlan, James Speed, W. H. Wadsworth and C. F. Burnham, as the most notable, joined the Radicals.[10]

With the disappearance of the Conservatives the stage was now set for a clear and decisive battle between the forces of Democracy and of Radicalism; and this year, 1868, was to see the virtual annihilation of the latter. State offices from the governorship on down, excepting the legislature, were to be filled; this was also a presidential year.[11] The Democrats met in Frankfort on

[4] See *Louisville Journal*, Sept.-Dec., 1867, *passim*.

[5] *Cincinnati Semi-Weekly Gazette*, Nov. 26, 1867. Letter to Magoffin.

[6] *Ibid.*, Nov. 8, 12, 1867.

[7] *Ibid.*, Dec. 27.

[8] *Ibid.*, Jan. 17, 1868; Collins, *Kentucky*, I, 185.

[9] *Cincinnati Semi-Weekly Gazette*, Feb. 25, 1868.

[10] Kinkhead, *Kentucky*, 206, 207; *Cincinnati Semi-Weekly Gazette*, July 24, 1868.

[11] According to the Kentucky constitution the governorship had to be filled by election, if the office were vacated within the first two years of the term. See *Annual Cyclopaedia*, 1867, p. 425; *Cincinnati Semi-Weekly Gazette*, Sept. 10, 1867.

Washington's birthday and nominated John W. Stevenson for governor, and declared themselves in favor of George H. Pendleton for president. Presided over by Jesse D. Bright, formerly a United States senator from Indiana, expelled during the war for his Southern sympathies, the convention called again for universal amnesty, and declared that Kentucky would never rest satisfied "as long as a single one of her sons is deprived of any right guaranteed by the Constitution of the United States and of this Commonwealth."[12] Most of the nominees for the lesser offices throughout the state were conveniently described by their Radical opponents as "rebels."[13]

Five days later the Radicals met in the same place "for a general organization of the party,"[14] and amidst the glamor of Union soldiers parading up and down the convention hall with the American flag vociferously cheered, they nominated R. T. Baker for governor, and recommended Grant for president and James Speed for vice-president.[15] It was now definitely decided that the party should embrace wholly the program of the national party and in nowise cater to any sectional whims of any weak-hearted Kentuckians.[16]

The campaign for state offices proceeded with little excitement and few speeches. Stevenson was not a popular campaigner, and the Democrats felt that, anyway, victory would come to them without effort.[17] The Radicals could naturally muster little enthusiasm for their march to the inevitable shambles. Their organization over the state was weak and in many communities no candidates were nominated at all.[18] They sought without avail to entice the former Conservatives into their fold; there would be heart-felt greetings and a warm welcome and "if like the prodigal son, they will come back and reënter our ranks, they will at once be received into full fellowship with us, and we will divide all the offices with them." Assuming the air of the minister with extended hands they plead: "Come along, gentlemen, and we will do you good."[19]

[12] *Cincinnati Semi-Weekly Gazette,* Feb. 25, 1868.
[13] *Ibid.,* May 15.
[14] *Ibid.,* Dec. 24, 1867.
[15] *Ibid.,* March 3, 1868; *Lexington Observer and Reporter,* Feb. 29, 1868; Collins, *Kentucky,* I, 187.
[16] *Cincinnati Semi-Weekly Gazette,* March 27, 1868.
[17] *Ibid.,* June 19, July 3, 1868.
[18] *Ibid.,* July 24.
[19] *Ibid.,* May 15.

The election was held on August 3rd and when the votes were counted the almost astounding fact was revealed that the Democrats had won by a majority unprecedented in the state's history. Stevenson received 115,000 votes and the Radicals sank to a new low level of 26,000.[20] Every Radical still lingering in office was swept out excepting one judge.[21] The Democrats were carried away with surprise and joy. The *Lexington Observer and Reporter* jubilantly admitted that it had known "a mighty revolution was going on in the minds of the people against Radical rule," but it did not think that, bright as the prospect was for Stevenson, he "would receive a larger majority than ever before was given to any candidate for office in Kentucky."[22]

The Radicals, who had already learned how futile it was to hope for victory, turned to sarcasm and satire. As one saw it, "The election is over and once more the Dutch have possession of Holland. A grand victory has been achieved by the rebel Democracy, for nearly *all* the people of Kentucky belong now to that party."[23] The *New York Tribune* saw the spirit of slavery and rebellion now dominating the state, nominating candidates and electing them. This spirit had just "carried the State by 90,000 majority. The State has not a tithe of the loyalty which is to be found in South Carolina."[24] No wonder the Radicals could never win; the whole force of the state in every way was set against them. They were not treated as political opponents; instead, the "whole force of society, in all its relations, social, civil, religious, commercial" was arrayed against them.[25] The rumor that a person was a Radical was enough to make him a social outcast.[26] The party could not grow for young men would not join it on reaching voting age, "where very near all their young associates are sneering at and abusing it."[27] "Rob a man of the means of a livelihood," scornfully exclaimed an outraged Radical, "banish him from his native State, traduce his character, exclude him and his family from society, drive the minister from his pulpit, compel the

[20] *Annual Cyclopaedia,* 1868, p. 405; Collins, *Kentucky,* I, 192; *Tribune Almanac,* 1869; *Cincinnati Semi-Weekly Gazette,* Aug. 21, 1868.

[21] *Ibid.,* Aug. 7.

[22] Aug. 8, 1868.

[23] *Ibid.,* Aug. 7, 1868.

[24] Quoted in *Lexington Observer and Reporter,* Aug. 19, 1868.

[25] *Cincinnati Semi-Weekly Gazette,* Aug. 28, 1868.

[26] See *Breckinridge MSS.,* 1868. Handbill here denies charge of being a Radical.

[27] *Cincinnati Semi-Weekly Gazette,* Aug. 7, 1868.

merchant to close his store, take his pupils from the teacher, patients from the physicians, clients from the lawyer, and work from the mechanic, and yet say that men are not interfered with on account of their opinion, that a man in Kentucky is allowed as free exercise of his right to vote as the man in Ohio!"[28]

In answer to the traducers of his state, Henry Watterson, just entering on his long journalistic career, said in a Christmas message to the *Courier-Journal* readers in 1868 that Kentucky alone of the states that did not secede "was true to herself and to the professions with which the war was begun. She proscribed no one. She gave welcome to all. Today she is prosperous, peaceful, happy. The laws are better enforced in Kentucky than in Indiana. There is less crime in Kentucky than in Ohio. Tennessee is poor. Missouri is poor. Both are the victims of despotic power running roughshod over the liberties and disregarding the private rights of the people. In Kentucky there is no partisan militia. In Kentucky there are no franchise laws. In Kentucky there are no threats of confiscation. Public opinion is the only arbiter of public questions, and every man is allowed to hold office who obtains votes enough." Massachusetts was one-sided and Republican; Kentucky was one-sided and Democratic. Kentucky had as much right to do her thinking as had Massachusetts to do hers; but for so doing "we are denounced as traitors to our country and a despotism is sought to be placed over us by those who claim that we ought to be forced to vote for Republican candidates and Republican measures, and who declare that if we do not, we are guilty of rebellion and should be punished therefor."[29]

One ray of light and hope showed forth for the Radicals through their surrounding gloom. The Fourteenth Amendment, which had recently gone into effect, they claimed, disqualified about a hundred state officers;[30] and should not the vacancies be filled from their own ranks—from the "truly loyal"? The Democrats claimed that the officers who were already in their position when the amendment became operative, could not be affected, for otherwise the amendment would be *ex post facto*.[31] Governor Stevenson said all officials should serve out their terms,[32] and he warned

[28] *Cincinnati Semi-Weekly Gazette,* Aug. 25, 1868.

[29] *Editorials of Henry Watterson,* compiled by Arthur Krock (New York, 1923), 21.

[30] *Cincinnati Semi-Weekly Gazette,* Aug. 7, Sept. 8, Oct. 2, 1868.

[31] *Ibid.,* Aug. 7.

[32] *Ibid.,* Sept. 29, 1868.

all comers against usurpations and most solemnly avowed that they could never "be made with impunity."[33]

While the campaign for state offices was on, full attention could not be given to the presidential contest; but after the August election political fervor became more evident than it had appeared in the state struggle. Grant clubs were formed widely over the state, for the Radicals now felt that, let Kentucky's vote be what it might, the nation would bring victory to Grant.[34] They raised the bogy that if Seymour were elected, it would mean the renewal of the war.[35] They also organized the negroes into groups and drilled them for the purpose, the Democrats claimed, of getting Federal troops sent to the state. "The Radical party wants trouble here," said the *Lexington Observer and Reporter*. "They want a pretext to flood this state with troops, ostensibly to 'protect the terribly abused colored citizens,' but in fact to force the election of Grant."[36] The Radicals, no doubt taking advantage of the fact that some Kentuckians were campaigning in Indiana to help the Democracy there, spread the report that, since Kentucky would easily go for Seymour, many Kentuckians would slip across the Ohio on election day to help carry those states also.[37] Although Kentuckians had preferred George H. Pendleton for the Democratic candidate, they accepted Seymour with good graces and worked hard for his election.[38] News of the October elections in Ohio, Indiana, and Pennsylvania, Radical victories, somewhat dampened their ardor.[39]

In the November election the Democrats maintained their large vote of the preceding August, while the Radicals gained 13,000 recruits—giving them a total vote of 39,000 to the 115,000 for the Democrats.[40] The Radicals had taken heart in this elec-

[33] *Cincinnati Semi-Weekly Gazette,* Sept. 8, 1868.

[34] *Ibid.,* Sept. 11.

[35] *Cincinnati Commercial,* Aug. 25, 1868.

[36] Aug. 15, 1868. See also *Cincinnati Commercial,* Aug. 13, 1867.

[37] *Cincinnati Semi-Weekly Gazette,* Aug. 21, 28, 1868.

[38] *Ibid.,* July 10, 17, 24, 1868.

[39] *Ibid.,* Oct., *passim.*

[40] *Ibid.,* Nov. 24; *Annual Cyclopaedia,* 1868, p. 405; Collins, *Kentucky,* I, 193; *Tribune Almanac,* 1869. The Radicals at first claimed the election of S. M. Barnes and John L. Zeigler and carried the contests to the halls of Congress. They claimed that George M. Adams, the opponent of the former, had been elected by rebel votes, and that John M. Rice, the opponent of the latter, was in fact a rebel. The House voted to seat the Democrats. *Congressional Globe,* 41 cong., 2 sess. (1869-1870), pp. 64, 5179-5193, 5443-5447; *Cincinnati Semi-Weekly Gazette,* Sept. 25, Nov. 20, 1868.

tion because of the certainty of victory for Grant, and most of the lukewarm ones had come out to vote. For the first time in their history they could celebrate a victory, and it was pushed for what it was worth in Frankfort, Lexington, and elsewhere.[41] The Democrats were at first somewhat fearful of what the new administration might attempt to do, especially with regard to the Fourteenth Amendment;[42] but they soon began to believe that better times were coming with Grant as president, for they knew him to be a magnanimous military leader and not a vindicative politician.[43] The Democrats could also take comfort in the knowledge of the fact that Kentucky had remained true. In two towns, Campbellsville and Big Springs, the Democrats had won unanimously, 244 and 287 respectively. This fact led the *Kentucky Yeoman* to remark satirically: "As there is evidently no 'truly loil' citizen in either of these places, and it will never do to appoint any other kind of postmaster, we know of no other locality that offers surer prospect of political preferment to a couple of enterprising carpet baggers than is here presented."[44]

The Democrats were definitely in power in Kentucky and the party was indissolubly wedded to Confederate traditions. Union soldiers were welcomed, but their record was a distinct liability which had to be kept in the background. A close watch was always on to detect anything in law or usage that reflected on Confederates or praised Federals. A few unbecoming wartime laws had been previously overlooked, as those preventing persons or rebel sympathies acting as election officials and requiring oaths of certain officers that they had not engaged in rebellion. Though long out of date, they did not recall happy memories, and so they were cast out.[45] Officers of the Provisional government, who had been

[41] *Cincinnati Semi-Weekly Gazette,* Nov. 10, 1868.

[42] *Ibid.,* Nov. 10, 13.

[43] *Cincinnati Commercial,* Jan. 7, 1869.

[44] Nov. 7, 1868.

[45] Collins, *Kentucky,* I, 194; *Cincinnati Semi-Weekly Gazette,* Feb. 23, 1869. A Kentucky correspondent to the *Cincinnati Semi-Weekly Gazette,* May 25, 1869, said of the Confederate soldiers: "Let the office they aspire to be ever so small—even the secretaryship of a county agricultural society—if any one opposes him who ever professed himself a Union man, it matters not how little worth was the profession, the Confederate beats him. To have worn the gray; to have been for a day or two in a military prison; to have been transported to Camp Chase; to have furnished means to the suffering cause of the South—these are the things that merit and receive the support of the Kentucky Democracy." Such an announcement as this by a candidate was not uncommon: "Since my return from the Confederate army, I have held strictly to the doctrines of the party whose suffrage I seek, and my past record will justify my friends in warranting my fealty in the future." *Ibid.,* Aug. 3.

arrested and fined, were now granted indemnities and apologies.[46] The *Louisville Courier* demanded of Congress that it issue $3,000,000 of bonds to pay Kentuckians whose property had been taken or destroyed during the war.[47] "Rebel" was so constantly applied to Kentucky Democrats that they were led to elevate it into a badge of proud distinction. In the House *Journal* for February 22, 1870, a whole page was left blank except this expression on George Washington: " . . . The first rebel, the foremost defender of the rights of the States against the encroachments of tyrannical power, we are at this early day helplessly left to mourn the fall of his native State to a degradation beneath that sought to be imposed by King George himself."[48] Names of Union leaders were in bad repute. Jesse D. Bright objected to Lincoln's name being attached to a benevolent lodge seeking a charter,[49] and another legislator, who was a much better Confederate than he was a historian, moved that the name of Lincoln County be changed, as he did not like "Abe."[50] Sherman's march through the South, which many had begun to forget, was now the subject of bitter condemnation in the Kentucky press;[51] and an old atlas presented to the state by a Union soldier produced a resolution requiring the governor to correspond with the various Southern states in an effort to find the owner—the inference being that the soldier had stolen it.[52]

The Radicals in their turn denounced and anathematized the rebel Democracy. A correspondent of the *Cincinnati Commercial* declared that the state was not as loyal in 1870 as it had been during the war and that it was the only state in the Union "where the pernicious theories which antedated, inspired and supported the rebellion, control legislation."[53] Another observer charged that there was "more rancor and pig-headed prejudice in Kentucky at this moment than in any three other Southern States."[54] The Radicals claimed that the attempt of the Democrats then being

[46] Collins, *Kentucky,* I, 188.

[47] *Cincinnati Semi-Weekly Gazette,* Nov. 5, 1867.

[48] P. 533; *Louisville Commercial,* March 14, 1870.

[49] *Cincinnati Commercial,* Jan. 11, 1870.

[50] *Georgetown Weekly Times,* Feb. 21, 1872. This county had been formed in 1780 and named for Benjamin Lincoln of Revolutionary War fame.

[51] *Kentucky Yeoman, passim,* 1868.

[52] *Cincinnati Commercial,* Feb. 8, 1868; *Cincinnati Semi-Weekly Gazette,* Jan. 24, 1868.

[53] March 28, 1870.

[54] *Cincinnati Commercial,* Jan. 13, 1868. See also editorial *ibid.,* Jan. 5, 1869.

made to reform the militia laws was a threat of rebellion, as the legislature was scarcely more than the meeting of a Confederate regiment.[55] The statement of one outraged Radical that the state was so rebellious that John C. Breckinridge could be elected to Congress from the Ashland District,[56] would have been disputed by few voters of the region. In answer to Radical railings at the legislature, the Democrats held that they should be thankful that this body had been so lenient.[57] The *Courier-Journal* declared that so utter was the state's dread of Radicalism that it preferred " all else to the bare possibility of a political domination inspired from Washington."[58] The nomination of General Preston for the legislature from Fayette County in 1868 and of other Confederates elsewhere brought forth this solemn threat from the *Lexington Statesman*: *"In defiance* of a law higher than any in Kentucky, they have been put into office. 'We propose' *in obedience* to a law higher than any in Kentucky to put them out. When we say 'we,' we mean the Republican party of the State. . . . We are fully alive to the fact that the majority of the people in Kentucky differ with us politically, but we are equally alive to the fact that an equally large majority of the people of the United States agree with us in sentiment."[59] In answer to such threats, the *Kentucky Yeoman* said, "If they lash themselves into a paroxysm every time a Confederate soldier is nominated and elected to office in Kentucky—like a mad dog at the sight of water—they will enjoy the very frequent recurrences of the spasms, for Kentucky will not only elect Preston, but Lewis, and Cofer, and Buford, and Grigsby, and Buckner, and anybody else whom she chooses. The war is over in Kentucky. . . ."[60]

As proof of these statements the Democrats the next year, after a slow campaign elected J. W. Tate state treasurer and secured 92 out of the 100 members of the house and 36 out of the 38 senators, including the hold-overs.[61] According to the *Courier-*

[55] *Cincinnati Semi-Weekly Gazette,* March 17, 1868. See also *Lexington Observer and Reporter,* March 18, 1868, for Confederate soldiers in other capacities.

[56] *Cincinnati Gazette,* Jan. 19, 1868.

[57] *Cincinnati Semi-Weekly Gazette,* May 24, 1868.

[58] Aug. 9, 1871.

[59] Quoted in *Kentucky Yeoman,* Dec. 19, 1868.

[60] Dec. 15, 1868.

[61] The vote was, Tate, 82,617; R. Wing, 24,759. Collins, *Kentucky,* I, 197; *Tribune Almanac,* 1870; *Lexington Observer and Reporter,* May 29, *passim,* 1869; *Cincinnati Semi-Weekly Gazette,* May 28, June 18, July 9, 1869.

Journal, the legislature would have "a greater proportion of gentlemen who served the Confederacy than was observed in the last session."[62] The Democratic vote fell off considerably from the previous year due to the fact that victory was certain.[63] The Radicals could give no such excuse for their smaller vote, as their greatest task was to keep strengthening their party at all times.

Various elements enter into an explanation of this continued decadance of the Radicals. One of the underlying causes was the fact that the party was in confusion and uncertainty due to a process of cleansing and reorganization that had been started. The greatest trouble with the Radicals throughout their stormy career had been the stigma that attached to them as the offspring of military rule and as a creature cradled by military despotism. Its leaders had had too much the appearance of longing and hoping for the second coming of the army. Grant, when he came into office in 1869, saw that such a tradition was fatal, and he immediately set about to change it by appointing a higher class of men to the Federal offices in the state. The professional Radicals were now loud in their lamentations. They claimed that Democrats were being selected and that the old friends of the Union were being betrayed.[64] A disgruntled Radical declared that Grant had "succeeded wonderfully in cooling the ardor of men who have been the very life of the party in this State," and if such practices were continued it would soon be gone and would be "composed of only the Federal office-holders."[65]

Another element in the disorganization of the Radicals was the widespread discontent occasioned by the approval the party convention had given to the Fifteenth Amendment.[66] It was estimated by some Radicals that many of the mountain men of the eastern part of the state had been thus alienated.[67] Nevertheless, not all of the hardy mountaineers were against negro suffrage for according to the *Lexington Observer and Reporter,* "One rough and ready patriot, from way up in Lewis County, who had evidently paid his way here with wolf-scalp money, declared he would far rather have a negro vote than a Democratic one, and that his

[62] Quoted in *Cincinnati Semi-Weekly Gazette,* Aug. 10, 1869.

[63] See *Lexington Observer and Reporter,* May 29, *passim,* 1869.

[64] *Cincinnati Commercial,* Feb. 12, April 8, June 19, Aug. 13, 1869; *Cincinnati Semi-Weekly Gazette,* June 18, 1869.

[65] *Ibid.,* April 27, 1869.

[66] *Ibid.,* May 28. See also *Cincinnati Commercial,* Aug. 6, 1869.

[67] *Ibid.,* Aug. 13.

clarion voice should never cease to make his native hills ring until that boon was bestowed upon the poor darky."[68] Stevenson had transmitted the amendment to the legislature with the recommendation that it be rejected, which was done in a decisive manner, after withering denunciations of it had been poured forth.[69] The few Radical members alone supported it. Almost two years previously, Governor Helm in his last message to the state had solemnly warned the Radicals that they "must know that the white men will rule Kentucky. We are not yet sunk so low as to consent to be governed by negroes."[70] In the campaign for treasurer (in 1869), Wing, the Radical candidate, tried to belittle the negro question by claiming that "Ten years hence it will matter little whether he vote or not, for as a distinct and united element in the political world he will have totally disappeared."[71]

There were two weapons at hand now which the Radicals expected to use with effect against the Democrats: the Fourteenth and the Fifteenth amendments. By the former they had visions of vacating many state offices filled by people disqualified by this amendment. It was charged that at this time (1869) two-thirds of the legislature were tainted with rebellion and treason and that not a day passed "but in one way or another, this wretched, vindictive, devilish spirit" cropped out "in some ebullition of wrath, or spiteful little matter of legislation."[72] The attorney general was cited to appear in Federal court to show why he should be allowed to continue in office;[73] and some who were ordered to vacate their offices appealed their cases to the Supreme Court.[74] In 1871 Congress removed the disabilities from more than sixty Kentuckians.[75]

These proceedings under the Fourteenth Amendment did little more than harass the Democrats into an uncomfortable state of mind. Few lost their offices and the provision conferring negro

[68] May 29, 1869.

[69] Rejected in the house, 80 to 5; in the senate, 27 to 6, March 13, 1869. *Acts of Kentucky,* 1869, pp. 119, 120; Collins, *Kentucky,* I, 195; *Cincinnati Commercial,* March 11, 12, 1869; *Cincinnati Semi-Weekly Gazette,* March 12, 16, 1869. When news was later received of New York's resolution rescinding its former approval, there was loud rejoicing. *Ibid.,* Jan. 18, 1870.

[70] *Ibid.,* Sept. 6, 1867. Inaugural address.

[71] *Cincinnati Commercial,* July 3, 1869.

[72] *Ibid.,* Jan. 22.

[73] *Ibid.,* Sept. 26, 1870.

[74] Collins, *Kentucky,* I, 207.

[75] *Ibid.,* 213.

suffrage was not given time to produce results before the mandatory Fifteenth Amendment came into force.[76] It was the negroes on whom the Radicals now began to pin their faith for ultimate victory.[77] They must be organized and marshalled into a powerful political machine, under the full control of the Radicals. It was predicted that there would be 100,000 negro voters; and with considerable elation the *Louisville Commercial* declared that elections thereafter would not be "the one-sided affairs of 1867, 1868, and 1869."[78] Picnics and other kinds of celebrations were held on the passage of the Fifteenth Amendment, where the negroes gathered in great numbers and where the Radicals used their full opportunities to make speeches and to organize and control the new voters. One of the celebrations was held in Paris and was attended by more than 6,000 negroes.[79] The most ambitious move to organize the negroes was made in a convention in Frankfort in February, 1870, where negroes from almost every county in the state gathered together. This "First Republican Convention of the Colored Citizens of the State of Kentucky" was refused the legislative halls, but it seems to have lost no prestige by meeting elsewhere for one of its members boldly declared, "The eye of the world is upon Major Hall." Under the tutelage of the Radicals it ground out resolutions in great numbers, ranging from belief in the Supreme Being (at whose "fiat, all men must bow") to condemnation of Chinese labor. The Radical policies were endorsed and a liaison was established with the party by means of committees.[80] The Democrats were denounced on a hundred counts and one delegate who raised a voice of protest was summarily expelled from the convention.[81]

There can be no doubt that the dark shadow of negro suffrage was giving the Democrats more concern than they had experienced since the war had ended. Their first thought was to turn to some method of circumventing the effects of the amendment. No one might be disfranchised "on account of race, color, or previous condition of servitude"; but there might be other counts

[76] This amendment was officially proclaimed March 30, 1870.

[77] See for example *Cincinnati Semi-Weekly Gazette,* June 25, 1869.

[78] Feb. 11, 1870.

[79] Collins, *Kentucky,* I, 204; *Georgetown Weekly Times,* June 29, 1870; *Louisville Commercial,* July 30, *passim,* 1870.

[80] *Louisville Commercial,* Feb. 25, 1870; *Cincinnati Semi-Weekly Gazette,* March 1, 1870; *Cincinnati Commercial,* Feb. 25, 1870.

[81] *Kentucky Yeoman,* March 2, 1870.

on which a person could be prevented from voting. For a time it was the report around Frankfort that the following bill would be introduced in the legislature: *"Be it enacted by the Legislature of the Commonwealth of Kentucky*: 1st. That no person shall be an elector in this Commonwealth who has wool or kinky hair on his scalp; nor shall any such person be permitted to vote for any town, county, or State officer, or be allowed to hold any office in the Commonwealth. 2nd. That any person who shaves or otherwise removes the wool or hair from his head, so as to deceive the judges of election, and shall cast his vote in disregard of the provisions of this act, may be indicted by any Grand Jury and punished, as is now provided by law for fraudulent voting."[82]

It was soon evident enough that negro suffrage was inevitable, and the legislators now turned to the consideration of means to delay the evil as long as possible. A redistricting of the state was considered, but the census had not yet been taken, and it was believed that the state would receive two additional representatives in the redistribution. It, therefore, seemed best to postpone the Congressional elections to be held in November (1870) to the following August, for the purpose of taking advantage of the census returns and of giving time to break down the negro vote in other ways. This bill passed the house but failed in the senate.[83] Some of the cities were thoroughly terrified by the approach of negro suffrage, since the negroes had drifted to the urban centers and had become a majority of the population in many of them. Lexington secured a change in her charter, moving forward the time of her elections to February and lengthening the term of office to three years. As the Fifteenth Amendment was not proclaimed until March 30th, the new city government would be elected before that time, and the spectre of negro domination removed for three years.[84] Paris and Nicholasville used another method to checkmate the negro vote, by having their charters amended to leave out of the corporation the negro sections.[85]

[82] *Cincinnati Semi-Weekly Gazette,* Feb. 1, 1870.

[83] *Ibid.,* March 18, 1870. This postponement would have left the state unrepresented from March 4th to August 4th (1871). Congress did not require all Congressional elections to be held in November until 1872.

[84] *Lexington Observer and Reporter,* Feb. 16, 1870; *Georgetown Weekly Times,* Jan. 26, 1870; *Cincinnati Semi-Weekly Gazette,* Jan. 25, Feb. 1, 1870.

[85] *Acts of Kentucky,* 1871, I, 4; *Cincinnati Semi-Weekly Gazette,* May 10, 1870; Collins, *Kentucky,* I, 201.

A rather remarkable subterfuge was resorted to by Danville. According to the city charter residents of the county might vote in municipal elections if they owned property within the corporation. Here was an excellent breach through which many residents of Boyle County might enter and help defend the city against negro supremacy. They first attempted to class bank stock as city property, but this contention was not upheld. Next they sought to vote on the ground that cemetery lots were property, but it was soon found that a law of the state forbade this interpretation. Thereupon ninety-three Boyle County Democrats bought a twenty-three foot frontage on Third Street, divided it off into ribbon lots four inches wide, and kept the deeds of sale secret until the day before the election.[86] The Radicals bitterly complained that "Those gentlemen had no more moral right or legal right to vote in the city than the bull-frogs that infest Clark's Run, and any impartial court would so hold."[87] In February, 1871, the charter was amended so that the owners of cemetery lots were given the city franchise, and in order to exclude the migratory negroes, three years' residence was required for voting.[88] To the Radicals thus cheated of the negro support, these proceedings were nothing less than an outrage: "A farmer residing only two days in Boyle County, and owning one ninety-ninth of an inch of real estate in Danville can vote at its elections . . . while a citizen residing two and a half years in the city, owning thousands of dollars of real estate . . . has no vote. . . . Is there a parallel to this monstrous abortion of legislation, this piece of charlatanry to be found in Kentucky, or any other State, this side of the Khan of Tartary?"[89]

The first test of negro suffrage would be in August, 1870, when county offices were to be filled throughout the state. It would be "the most remarkable election ever held in this grand old Commonwealth." "By fraud and crime the unoffending and innocent negro" had been thrust upon the state as a voter, and he would now for the first time in its history exercise a right which had "heretofore been sacredly and exclusively in the possession of her white citizens."[90] The solemnity of the times was scarcely less

[86] *Frankfort Commonwealth,* Aug. 5, 19, 1870; *Cincinnati Commercial,* Aug. 8, 1870.

[87] *Frankfort Commonwealth,* Sept. 30, 1870.

[88] *Acts of Kentucky,* 1871, I, 252, 253.

[89] *Frankfort Commonwealth,* Feb. 24, 1871. The term of residence was reduced to twelve months, March 13, 1871. *Acts of Kentucky,* 1871, II, 2.

[90] *Lexington Observer and Reporter,* July 23, 1870. Editorial.

marked than had been the case in 1861. The negro was warned against "dabbling in politics," about which he knew nothing. Politics would not "bring meat and bread nor pay house rent."[91] If he must vote he could do so without becoming politically ambitious.

The Democrats early saw that it would be highly dangerous to interpose violent opposition to negro voting. What then should be their position toward inviting his support? Henry Watterson believed the negro suffrage should be accepted as an established fact and that negro votes should be welcomed as much as others.[92] There were others, including some of the party committeemen, who held that if the negro vote was solicited, he should be given his proportion of the offices as well as accorded social equality.[93] It was the opinion of a Georgetown Democrat that the true policy of the party was to "hold itself aloof from the negro entirely. If we believe, as the party has always heretofore announced in its platforms, that this is, or should be a white man's government, why abandon the principle because a few thousand negroes are illegally permitted to vote?"[94] Yet it was the general feeling, however disagreeable it might be to admit it, that no negro votes would be spurned, for to do this would be playing directly into the hands of the Radicals. While the party was not soliciting negro votes, yet "it is none the less positive in its resolution to protect and defend all negroes who have the good sense to advance either by vote or otherwise the interests of the men who raised them, employ them, and feed and clothe them, their wives and children."[95]

This economic argument was stressed by the Democrats in their advice to the negro. His best friends were the Democrats,

[91] *Georgetown Weekly Times,* April 13, 1870. Editorial.

[92] *Courier-Journal,* 1870, 1871, *passim.*

[93] *Georgetown Weekly Times,* June 1, 1870; *Kentucky Yeoman,* Sept. 29, 1870. The *Lexington Observer and Reporter,* Feb. 26, 1870, said, "If there is any sense in these darkies they will find out some of these days that no laws, amendments or resolutions can ever make them the equals of the whites, and that the Democrats are the only true friends they ever had or ever will have."

[94] *Georgetown Weekly Times,* May 4, 1870. Editorial.

[95] *Lexington Observer and Reporter,* Aug. 6, 1870. See also *Louisville Commercial,* Jan. 28, 1870; *Cincinnati Semi-Weekly Gazette,* Jan. 28, 1870. G. W. Craddock, chairman of the Democratic Executive Committee, said that "if the colored men see proper to vote the democratic ticket, it is the duty of the democrats to protect and encourage them, and defend them against the persecutions of the Loyal Leagues, nor should they be disturbed for voting with the radicals, but left free, as the matters now stand, to vote as they please." *Georgetown Weekly Times,* June 1, 1870.

who gave him employment, and no laborers in the Union were "better or more punctually paid."[96] He could not insult or alienate his employer "more bitterly than by voting to put a Radical in office" and he should be made to feel that if he affiliated with Radicals, he "must make business relations with them too; and all dependence for work, wages and good offices from Democrats must cease."[97]

But the whole idea of negro suffrage was so fearful and repulsive to the Democrats that they plead with the reasonable Radicals, "as sensible men . . . to halt and think seriously for at least one minute." A Lexingtonian asked, "Have you ever allowed yourselves time to realize how far you have gone, where you are, and into what you are drifting?"[98] They sought to drive out of the party many Radicals by holding up to them the spectre of negro officials. In fact they pushed the logic with great emphasis on every occasion that if the Radicals embraced the negroes they must give them offices. They hoped to arouse the negro on this point to demanding offices, and thereby imperil his relations with his allies.[99] "We dare the radicals of Fayette or Scott," said one Democrat, "to be just to the negro by nominating him for office."[100] The negroes by no means impervious to the guile of the Democrats, held various meetings in which they called for a division of the offices,[101] and soon they were singing the ditty:

> "Fidler is a little man,
> Very short and plucky,
> He swears he's one of the Union men
> Who is going to rule Kentucky."[102]

The Radicals resolved now and then in favor of giving negroes offices, and in a few instances nominated them where they were sure to be defeated.[103] But when the nominations had been made and the Radicals had not dared to name negroes to more important places, a prodding Democrat exclaimed, "Negroes! You have been cheated by your professed friends. You have a large majority

[96] *Georgetown Weekly Times,* June 1, 1870. G. W. Craddock.

[97] *Lexington Gazette* quoted in *Frankfort Commonwealth,* June 3, 1870.

[98] *Lexington Observer and Reporter,* June 29, 1870. Editorial.

[99] *Cincinnati Semi-Weekly Gazette,* April 1, 1870.

[100] *Georgetown Weekly Times,* June 8, 1870. Editorial. See also *ibid.,* June 15.

[101] *Lexington Observer and Reporter,* March 26, 1870.

[102] *Louisville Commercial,* Feb. 28, 1870.

[103] *Georgetown Weekly Times,* April 13, June 1, 1870; *Kentucky Yeoman,* Aug. 4, 1870.

in the party and can control its action. You are entitled to a majority of the nominations, and you have been put off with idle promises."[104]

The question of offices was always a knotty problem for the Radicals and as time went on the negroes became more clamorous.[105] In 1873, a negro convention declared that since they had been subservient to the Radicals, they should now have " a reasonable portion of the offices at their disposal and threatened that if their claims were to be ignored they would "cease to be indebted to this party any more than to any other. . . ."[106]

As the August elections approached, the Democrats worked feverishly to bring out their full vote: "Not to vote, is to seem indifferent when indifference is treason and a crime."[107] The feeling was general among the Democrats that there should be no violence against negroes offering themselves to vote.[108] A Frankfort Democrat informed the negroes that "no one proposes to throw the slightest obstacle in the way of your voting."[109] The Democrats felt that with the best of conduct they would be, nevertheless, charged with the most frightful persecution of the negroes.[110] So careful was Lexington to avoid disorders that the rival candidates met before the election and drew up rules of conduct for both parties. There should be no parading of militia with or without arms, and the negroes were not to appear in groups or clubs, but to come singly and immediately depart after voting. There were to be special policemen appointed from both parties.[111]

[104] *Georgetown Weekly Times,* June 1, 1870.

[105] In 1872 the Radicals tabled a resolution calling for a division of the offices with the negroes. *Ibid.,* March 20, 1872. See also Collins, *Kentucky,* I, 227.

[106] *Cynthiana News,* Dec. 11, 1873; Collins, *Kentucky,* I, 246s. The *Kentucky Yeoman,* May 23, 1871 said, "The colored men of Kentucky may as well make up their minds now at the start, once for all, that the only use the white Radicals have for them is to get their votes wherewith to place them, the white Radicals, and them alone, in office."

[107] *Carlisle Mercury* quoted in *Louisville Commercial,* March 4, 1870. See also *Georgetown Weekly Times,* July 13, 1870, *passim.*

[108] *Kentucky Yeoman,* July 9, 1870.

[109] *Ibid.,* Nov. 8. Editorial.

[110] *Lexington Observer and Reporter,* April 13, 1870, said: "White Radical voters in Kentucky will be flayed, boiled, parboiled, roasted alive and stewed by the fiendish 'chivalry'; and negroes will be starved to death, drawn and quartered, chopped into mince meat, and otherwise unpleasantly disposed of and all because the wicked Democrats are full to running over with the most diabolical malice and piratical vengeance against the freedmen."

[111] *Lexington Observer and Reporter,* July 23, 1870.

"Let them proceed to the polls," counselled a Lexington paper, "quietly, orderly, politely and respectfully and after voting go at once about their business, and they may rest assured that if any trouble occurs that it cannot be laid at their doors."[112]

With their newly enfranchised allies, the Radicals had strong hopes of riding into power in many of the counties;[113] but when the votes had been counted it was the old story over again—the Democrats had won. It could not be that violence had been used to prevent the negro voting, for reports came from all sides that the election had been peaceful except in a few instances;[114] and even the critical onlookers from north of the Ohio were forced to admit that "a wholesome respect for the law and a resigned spirit of obedience to existing statutes" characterized the election, and that there were few instances "where a colored vote was rejected, when it was apparent that the voter was in all particulars qualified."[115] The only notable disturbances were at Harrodsburg where three negroes and two white men were killed due to the attempt of the former to rush the polls with guns,[116] and at Lexington on the Saturday night before the election where a policeman was killed by boisterous negroes parading the streets after having congregated at the African Church to receive their ballots.[117] The Democrats sarcastically represented the Radicals as bitterly disappointed and insulted because there had been no general violence—"Exit 'Ku Klux,' 'political murders,' 'massacres,' 'rapes,' from Kentucky until the approach of the next election."[118]

Various elements entered into the Democratic victory. This party undoubtedly put forth their best efforts, which the Radicals declared to be "superhuman" and the like of which "were never made before and never will be again."[119] In some places many disgusted white Radicals deserted to the Democrats or did not vote at all, while "the better class" of negroes "refused to register

[113] *Lexington Observer and Reporter,* July 23, 1870.

[113] See *Cincinnati Semi-Weekly Gazette,* June 10, 1870.

[114] *Georgetown Weekly Times,* Aug. 10, 1870; *Cincinnati Commercial,* Aug. 2, 1870.

[115] *Ibid.,* Aug. 8. Editorial.

[116] *Lexington Observer and Reporter,* Aug. 6, 1870; *Cincinnati Commercial,* Aug. 8, 1870.

[117] *Ibid.,* Aug. 1, 3, 1870; *Lexington Observer and Reporter,* Aug. 3, 1870.

[118] *Madison* (Ind.) *Free Press* quoted in *Georgetown Weekly Times,* Aug. 17, 1870.

[119] *Louisville Commercial,* Aug. 6, 1870. Editorial.

themselves in antagonism" to their Democratic friends.[120] Nevertheless it was true that in many communities the negroes made up the bulk of the Radical vote. It was claimed that two-thirds of the Radicals in the Fourth Congressional District were negroes and that there were only five white Radicals in Nelson County and only two in Spencer.[121] In Scott County, it was claimed that the "blind and the halt were brought to the polls, and every negro in the district who had the right, and doubtless many who hadn't exercised it."[122]

Yet it was a fact that not all the negroes who were eligible voted. There were other methods of obstructing negro voting besides violence. The Democrats prevented many negroes from voting by requiring receipts for taxes which had not been assessed against them. Facilities for voting were left purposely insufficient, and as the whites were expected to vote before the negroes, many of the latter were left waiting when the sun went down. When the negroes congregated around closely blocking the way, whites sometimes climbed over their heads to get to the ballot box. When once the negro was able to begin the process of getting his vote started, much time was used up in asking him an endless number of irrelevant questions. At one place it required twenty-five minutes for four negroes to vote, during which time from ten to fifteen whites succeeded in casting their ballot.[123] The process of the questioning was described thus: "He was not allowed to forget by the Democratic challengers that he had a grandmother, that at one time in his life he was born, that a beard was necessary to his manhood, that he must have plenty of witnesses, that he once belonged to his master, that he has lived forty years or more in the same spot, that he wasn't born in Africa and so obliged to have naturalization papers, that he hadn't voted anywhere else, that he hadn't been in the penitentiary, that he wasn't imported from any other country, that he had a mother and

[120] *Lexington Observer and Reporter,* Aug. 3, 1870. The *Georgetown Weekly Times,* Aug. 17, 1870, said, "Some men who have heretofore voted with the Radical party, quit it in disgust when the negro element was introduced."

[121] *Cincinnati Semi-Weekly Gazette,* Oct. 28, 1870.

[122] *Georgetown Weekly Times,* Aug. 3, 1870. In Scott County there were about 131 white Radical voters to 1,000 negroes. *Ibid.,* Aug. 7. See also *ibid.,* Aug. 24.

[123] *Louisville Commercial,* Aug. 3, 1870; *Frankfort Commonwealth,* Aug. 5, 1870; *Cincinnati Commercial,* Aug. 3, 8, Sept. 3, 1870; *Cincinnati Semi-Weekly Gazette,* Aug. 12, 1870. At Nicholasville the negroes respectfully waited until the whites had voted, after which all were allowed to deposit their ballots unmolested. *Cincinnati Commercial,* Aug. 8, 1870.

father, and divers other interrogations of like character were plied for his edification until most of them were in the condition of an exhausted witness."[124]

According to one Democrat, "We have seen it and had it—negro suffrage—in all its gorgeousness, and have smelt in in the passing breeze";[125] yet his own party was too evidently pleased over capturing a few negro votes, itself. Two negroes voted the Democratic ticket in Georgetown "and a few minutes afterwards those 'gemmen of color' appeared on the streets so completely disguised in new attire that the radical negroes didn't recognize them. Each had a complete outfit—cloth suit, hat, shirt, boots, 'shoo fly' cravat and fancy walking cane. It is said that democratic money paid for them."[126] The Radicals tauntingly declared "that when the negro votes for the Democratic candidates he at once, in the act, and in the judgment of that party, loses his stink, loses his flat foot and his elongated heel."[127] In answer to threats of violence by the Radicals against negro Democrats, a Frankfort citizen gave warning that the Democratic party owed these men protection "and its behalf we give notice that if a hair on the head of one of them is touched, somebody will suffer. Let the game be tried."[128]

It was with a sigh of great relief that the Democrats could now breathe, but not for long as the Congressional elections were approaching in November, when a new test of strength must come. The Radicals were much disappointed; for if with the negroes they could not win, where else was there hope? They believed there were 50,000 negro voters, and if they could be got to the polls, there would be certain victory, even if some of the more fastidious white Radicals should desert.[129] This kind of Radicals had not sustained the negroes as they should have done, and in November they would "be afraid to vote if they can not rely upon the protection of the white men of their own party."[130] The main reason why the full negro vote had not been cast in August, they

[124] *Cincinnati Commercial,* Nov. 16, 1870.

[125] *Georgetown Weekly Times,* Aug. 3, 1870. Also quoted in *Cincinnati Commercial,* Aug. 8, 1870.

[126] *Georgetown Weekly Times,* Aug. 3, 1870. There were fifteen negro Democrats in Frankfort.

[127] *Cincinnati Commercial,* Nov. 16, 1870.

[128] *Frankfort Yeoman* quoted in *Georgetown Weekly Times,* Aug. 3, 1870. See also *Cincinnati Commercial,* Aug. 8, 1870.

[129] *Lexington Observer and Reporter,* Aug. 20, 1870.

[130] *Cincinnati Semi-Weekly Gazette,* Oct. 28, 1870.

claimed, was due to the intimidation by the state militia.[131] They asserted that the August election was "a fraud upon the rights of a free people" and called for the "Democratic partisan militia" to be "disarmed and disbanded."[132] They charged that by these troops, citizens were being "driven from their homes or murdered, because they dare to be Republicans."[133] A long list of woes was being sedulously built up. The Democrats were showing "a marked disposition not to speak to Republicans, and in every conceivable way, except violence, to harass and ill-treat" them. The complaint continued, "Our relation to most of them has got to a point of non-intercourse, and we do not know what a day may bring forth." It was the opinion of Radicals "of sound judgment that Kentucky is in a worse state of rebellion than she was at any time during the war." The only solution the Radicals could think of lay in having Federal troops sent into the state.[134] Some of the more reasonable Radicals denied these reports, and asked their bellicose party colleagues, "For what, then, are Federal troops needed? Is it to force the rebels to speak to and deal with the Republicans?"[135]

The Democrats denied that the militia companies were irregular in either organization or conduct;[136] but that on the other hand "the colored people of this state have organized, at the suggestion of their white allies, that they may the more effectively control them, into secret, oath-bound associations, which are *politico-military.*" These societies had their "oaths, passwords, signs and grips."[137]

With the approach of the election there seemed to be little excitement, as the Democrats assumed the air of victors and the

[131] *Cincinnati Semi-Weekly Gazette,* Oct. 28, Nov. 1, 1870.

[132] *Frankfort Commonwealth,* Aug. 26, 1870. Resolutions of Seventh Congressional District convention.

[133] *Cincinnati Gazette* quoted in *Georgetown Weekly Times,* Sept. 14, 1870. The *Louisville Commercial,* Aug. 17, 1870, said, "We have, then, a militia for the State of Kentucky composed of members of one political party, and designed solely to operate against members of another political party. These militia are armed with State guns, are equipped from the State arsenal, and to a man are the enemies of the national Government."

[134] *Georgetown Weekly Times,* Aug. 24, 1870. Letter from party managers in Scott County. See also *Louisville Commercial,* Aug. 17, 1870.

[135] *Ibid.,* quoted in *Georgetown Weekly Times,* Aug. 31, 1870.

[136] *Kentucky Yeoman,* Aug. 20, 1870; *Georgetown Weekly Times,* Sept. 7, 1870.

[137] *Kentucky Yeoman,* May 14, 1870. Letter from G. W. Craddock, chairman of Democratic State Central Committee.

Republicans already secretly considered themselves beaten.[138] Nevertheless James Speed the former attorney-general of the United States, now running for Congress, made a speaking campaign of considerable proportions for the Radicals,[139] and an attempt was made to add the Germans to the negro allies already secured.[140]

In the election the Democrats carried all the nine Congressional districts, polling a total vote of 88,000 to 57,000 for the Radicals.[141] Their vote was, however, far short of their record in 1868, while the Radicals bettered considerably their position. The former suffered a decrease in every district except two, on an average of 4,000 votes in each; while the latter increased their numbers in every district except two, on an average of 3,000 each. The greatest Radical gains were from the negroes, who three years later numbered 47,000 qualified voters.[142] The outstanding significance of this election was the assurance it afforded to the Democrats that the state was normally theirs, despite Germans, negroes, and all other political allies the Radicals might herd together. Kentucky was thus to be saved from the saturnalia of extravagance and fraud that made government a mockery in the former Confederate states. True enough a harder fight would come as the Radicals should perfect their organization, for it was an undeveloped machine at this time.[143] Yet there were many white Radicals who refused to remain in the party longer, as it absorbed more and more negroes; and it soon became a question whether the party had an asset or liability in its new allies.[144] Even the most ardent Radical was forced to admit that in this election the

[138] *Cincinnati Semi-Weekly Gazette,* Oct. 14, 28, 1870.

[139] A correspondent of the *Cincinnati Semi-Weekly Gazette,* Oct. 21, 1870, said of a speech delivered in Owen County: "His speech which, of course, was a good one, was well received even by the Democrats, many of whom had never seen a live Radical, and had supposed that species of politician to be more like an animal or devil with horns than like a man."

[140] The *Louisville Commercial,* July 26, 1870, said, "Our sympathies will still go with 'the free, the German land,' whose gallant sons marched side by side with us in the glories of victory or the gloom of defeat, and whose honored dead rest side by side, with ours in many a Southern cemetery."

[141] *Tribune Almanac,* 1871, p. 65; Collins, *Kentucky,* I, 207; *Cincinnati Commercial,* Nov. 15, 1870; *Lexington Observer and Reporter,* Nov. 12, 1870.

[142] Collins, *Kentucky,* I, 246q. The whites numbered 241,000. See also *Frankfort Commonwealth,* Sept. 1, 1871; *Cincinnati Semi-Weekly Gazette,* Nov. 11, 1870.

[143] *Louisville Commercial,* Nov. 12, 1870.

[144] *Cincinnati Commercial,* Nov. 16, 1870.

"colored vote was generally unmolested";[145] and the Democrats assented with great satisfaction that the Radicals were "left without the shadow of a pretext, for their defeat . . . except in the bold fact that their party" was "odious to the people of Kentucky."[146] The political zeal of the negroes had somewhat cooled too: "They have looked in vain for the 'forty acres and a mule.' . . . They have learned that there is no money in politics for them. . . ."[147]

About this time there began to appear the first signs of a breaking away in both parties from the old war animosities and issues—evidence that the state was passing out of the valley of shadows into the highlands of modern realities. The Radicals began to change their policies and habits of thought. Too often had they attempted to make an asset out of their Union record;[148] in vain had they shouted persecution and outrage and called for Federal troops.[149] It now began to dawn upon them that they had been using the wrong methods. Why not take a modern point of view and address themselves to the great problems directly confronting the state? Better schools, better roads—the whole social and economical development of the state—were crying aloud for a champion. Beginning now to see their opportunity, they seized these new issues and called for a higher class of candidates for the offices.[150]

The real beginning of an intelligent opposition to the Democrats was made in 1871 in the gubernatorial campaign of that year; and it was at this time that it can truly be said the Republican Party in Kentucky was born. Radicalism was withering and dying for the surroundings were unfavorable. As Henry Watterson said, "There are, in reality, but few bona-fide Radicals in

[145] *Cincinnati Semi-Weekly Gazette,* Nov. 15, 1870. Kentucky correspondent.

[146] *Kentucky Yeoman,* Nov. 12, 1870.

[147] *Georgetown Weekly Times,* Nov. 16, 1870.

[148] Richard Jacob said, "Every man within the realm of the State knows that no man who has been for the Union has the slightest chance for position. The test is not honesty, not capability, not Democracy, but were you 'for the Union or for the Lost Cause.'" *Frankfort Commonwealth,* June 24, 1870.

[149] The *Louisville Commercial,* Dec. 15, 1870, said, "It is no ordinary motive that can lead men to abide fast by their principles in Kentucky, where nearly the whole ability of the State, the whole tone of society, proscription in business, the dangers incident to organized lawlessness, the steady current of newspaper villification, and the sweeping hurricane of the passions of slavery have unitedly warred against them."

[150] *Louisville Commercial,* Feb. 16, May 11, 1870; *Cincinnati Semi-Weekly Gazette,* March 19, June 18, 1869; *Cincinnati Commercial,* July 2, 1869.

Kentucky. Red-hot Radicalism is not yet in the ascendant, because the conditions for bringing it out are unfavorable. The development of your thorough Radical requires a quasi-military situation."[151] One of the most striking evidences of transformation was to be seen in the character of the candidate this year. John M. Harlan, who was selected in the party convention in Frankfort in May, had never been identified with real Radicalism, but on the contrary had been a power in the conservative camps.[152] He immediately commended himself to the reasoning portion of the old Radicals, and commanded the respect of intelligent Democrats. He began a strong campaign with a forward-looking platform.[153]

The transformation that had been creeping over the Radicals could not but help produce a marked effect upon the Democrats. With the coming in of Stevenson as governor, the party had begun to take a more intelligent attitude toward the upbuilding of the state.[154] He called attention to the fact that the constitution needed amending in more than one place to bring it up to date and make its provisions correspond with actual practice. But Stevenson was soon elevated to the senatorship, and the forces of re-action in the party maintained their control.[155] Henry Watterson through his powerful newspaper, the *Courier-Journal,* now entered upon the scene and began to demand a thorough house-cleaning and the installation of some new furniture. It was now time to forget

[151] *Courier-Journal,* May 17, 1871.

[152] He was one of those Kentuckians who had fought in the Federal armies until 1863, when he retired to enter politics and oppose the military régime. He had been attorney-general in Bramlette's cabinet, and had campaigned for McClellan in 1864. He bitterly condemned the Thirteenth Amendment and continued to hold slaves until forced to free them. He was a Third Party man in 1866, and condemned the Radicals in unmeasured terms. In 1877 he was appointed associate justice of the United States Supreme Court. *Louisville Journal,* Sept. 24, 1864; *Kentucky Yeoman,* March 17, June 24, 1871; *Frankfort Semi-Weekly Commonwealth,* Aug. 8, 1871.

[153] *Frankfort Weekly Commonwealth,* May 19, 1871; *Georgetown Weekly Times,* May 24, July 5, 1871.

[154] *Cincinnati Semi-Weekly Gazette,* Dec. 7, 1869; *Kentucky House Journal,* 1869-1870, p. 17.

[155] In February, 1868, James W. Guthrie had resigned the senatorship on account of ill health, and Thomas C. McCreery was elected to serve the remainder of the term. In 1869, Stevenson was elected to fill the new term which was to begin two years later. In February, 1871, he resigned the governorship to enter upon his new duties and Preston H. Leslie became governor, although he labored under the disabilities of the Fourteenth Amendment until the following March. *Cincinnati Semi-Weekly Gazette,* Feb. 11, 21, 1868, March 16, Dec. 14, 17, 1869; *Kentucky Yeoman,* Feb. 13, 1871; Collins, *Kentucky,* I, 199, 211.

the war and its dead issues and to realize that present problems were a sufficient challenge to any party. Forget the past; lay hold on the future. Service in the Confederacy should not be the only test of fitness for office; negro testimony should be admitted; state aid should be granted to railways; the Fourteenth and Fifteenth amendments should be accepted since they were a part of the Constitution, however distasteful they might be.[156]

Watterson soon found that he had stirred up violent opposition by this "New Departure." The old party machine, supported by J. Stoddard Johnston with his *Kentucky Yeoman* and by the country press generally, bitterly set upon him. They declared that he was a Tennessee carpet-bagger and that they would no longer support the *Courier-Journal* as the Democratic organ in Louisville.[157] As one of Watterson's friendly enemies put it The "New Departure" group and the Bourbons were "quarrelling over the valley of dry bones. The former is solicitous to cover them up and forever hide their repulsive vision from the sight of men, while the latter is determined that they shall not be covered up but remain as idols of worship and objects of profound contemplation and personal adoration among the unregenerate at heart."[158] Watterson soon won a considerable following in the state and was establishing a reputation outside. An admirer wrote him from Cincinnati that he was making himself "not only a good and great name in journalism and statesmanship but a great and

[156] *Courier-Journal,* 1869, *passim.* See also *Frankfort Weekly Commonwealth,* May 19, 1871; *Cincinnati Commercial,* Sept. 6, 1869; *Lexington Observer and Reporter,* Sept. 18, 1869; *Cincinnati Semi-Weekly Gazette,* June 15, July 27, Aug. 3, 1869. This paper said, Feb. 1, 1870: "But Kentucky, which was not whipped, because she would not fight, and suspended herself on the verge of the Union during the war, is still crying over the loss of her slaves; adheres to the old slave code as regards negro testimony, and maintains all her prejudices against the colored race." The legislature was pilloried by friend and foe alike, for its lack of vision. The *Kentucky Yeoman,* March 23, 1871, said: "Now, that it is about to leave, we feel no disposition to upbraid it for its shortcomings nor to magnify its good works. It has done many things that it ought not to have done, and left undone many things that it ought to have done. . . ." Referring to the dinners given to the legislature by Louisville, Cincinnati, and other cities, the *Louisville Commercial,* Feb. 28, 1870, said, "Not satisfied with idling away time, they stopped work in the midst of pressing business and trundled away to half a dozen cities to guzzle splendid feasts and riot and revel with disgraceful recklessness."

[157] *Cincinnati Commercial,* Sept. 3, Oct. 22, 1870. Both the *Louisville Ledger* and the *Jeffersonian Democrat* were set up by the so-called Bourbon Democrats to supplant the *Courier-Journal. Cincinnati Semi-Weekly Gazette,* Dec. 16, 1870; *Cincinnati Commercial,* Jan. 9, 1870.

[158] *Frankfort Weekly Commonwealth,* July 22, 1870.

triumphant power."[159] D. Z. Croly, of the *New York World,* told him he was "too large a man for Louisville." He was "drawing a six horse team to a buggy"—he should come to New York.[160]

For their candidate the Democrats nominated Preston H. Leslie, who had just recently been relieved of his war disabilities, and gave him a rather vague, unintelligent, and re-actionary platform on which to run.[161] He failed to catch the vision of economic and social progress, which Harlan had seized; he still talked of Congressional tyranny and vengeful autocracy. The "New Departure" Democrats looked upon him coldly and Watterson refused him the powerful support of the *Courier-Journal.*[162] Writing from the perspective of almost a half century, Watterson said in 1918, "To maintain its [Kentucky's] freedom, yet fight the despotic Sectionalism and visionary extremism of the Republican party became the jig-saw puzzle" to which the *Courier-Journal* and its following set to work to solve.[163]

The campaign was hard fought, being particularly characterized by a joint canvass by the two candidates. The Republicans sought to seize the offensive and drive the Democrats out on the Cincinnati Southern Railway issue. They accused the Democrats of hostility to this, the greatest boon that could ever come to Central Kentucky, solely on the grounds of a senseless dislike for a Northern city.[164] Realizing that this issue was undoubtedly the weakest spot in their armor, the Democrats charged that the Republican Party's friendship for this project was political trickery,[165] and they attempted to turn the attention of the voters to the general dangers that would follow with a Republican administration. Leslie stated in a joint debate with Harlan that Kentucky's debt in 1867 was $7,000,000 and that four years later under Democratic rule it was $1,000,000; whereas Louisiana's debt in 1867 was $7,000,000 and that four years later under Radical rule it was

[159] *Watterson MSS.,* 1863-1889. From Stanley Matthews, Aug 2, 1871.

[160] *Ibid.,* Sept. 17, 1871.

[161] *Georgetown Weekly Times,* May 10, June, *passim,* 1871; *Kentucky Yeoman,* May 13, 1871.

[162] *Courier-Journal,* May-Aug., 1871; *Frankfort Weekly Commonwealth,* July-Aug., 1871.

[163] *Courier-Journal,* Aug. 7, 1918.

[164] "It is natural, perhaps, for the Kentucky Republicans to sympathize with a Radical city as against a Democratic State." *Courier-Journal* quoted in *Frankfort Weekly Commonwealth,* May 26, 1871. See also *Georgetown Weekly Times,* Feb. 1, 15, Aug. 2, 1871.

[165] *Annual Cyclopaedia,* 1871, p. 436; *Georgetown Weekly Times,* Aug. 3, *passim,* 1870, June 7, 1871; *Frankfort Weekly Commonwealth,* Dec. 30, 1870.

$40,000,000.[166] No further comment was necessary; this contrast startled Kentuckians. Plain reason would show how short a time it would take "to 'do' the people of Kentucky out of forty or fifty millions." And now the state was "asked to exchange her present honest and economically administered government for such a rule of robbery, ruin, and disgrace, as these Radicals have brought upon every other State, where, by fraud or force, or both, they have been 'clothed on' with power."[167] Regardless of how much Kentuckians generally might want to abandon the dead issues of the past, the financial record of the Radicals in states where they controlled was inescapable.

The Democrats were strongly organized;[168] but the Republicans made a powerful campaign on a forward-looking program, which attracted such conservatively inclined men as Richard Jacob, James F. Robinson, and Leslie Combs.[169] Since the preceding year hopes of success had been welling in the breasts of Republicans: "The long, dark, dreary night of Republicanism in Kentucky is fast passing away; the grey streaks which foretell the coming day are plainly visible above the murky horizon, and if we act wisely, ere long our sun will shine forth in noonday splendor."[170] But again the Democrats won, this time polling more votes than ever before—126,000. Yet the Republicans, in defeat, could look with more composure upon the results than ever before; Harlan received 89,000 votes—almost twice the number the Radicals had ever been able to secure.[171] A Republican optimist exclaimed, "One more time and we shall fetch them. . . . The Kentucky democracy can not stand another victory like that of this year."[172] The Democrats, however, took comfort when they analyzed the Republican vote; for they saw that party becoming blacker, and they well knew that the state would always be ruled by a white's man party. The *New York World* claimed that,

[166] *Georgetown Weekly Times,* June 7, 1871.

[167] *Kentucky Yeoman,* May 27, 1871.

[168] *Ibid.,* May 9.

[169] *Frankfort Weekly Commonwealth,* July 7, *passim,* 1871.

[170] *Louisville Commercial,* Nov. 5, 1870. Correspondent.

[171] Collins, *Kentucky,* I, 216; *Georgetown Weekly Times,* Aug. 16, 23, 30, 1871. The legislature stood: House, 82 Democrats; 18 Republicans; senate, 35 Democrats; 3 Republicans. The Republicans carried 25 of the 116 counties.

[172] *Cincinnati Semi-Weekly Gazette,* Aug. 8, 1871. The *Frankfort Weekly Commonwealth,* Aug. 11, 1871, said the party had a "better organization than has prevailed for years, and the popularization of the party tenets, has developed a strength wholly unexpected by our opponents."

"While the blacks have swollen the Radical aggregate in Kentucky 45,000 votes, 14,566 white men have abandoned the party in disgust and gone over to the Democracy."[173] As this election showed, the Democrats could always depend on a few negro supporters,[174] and negro voters would not be violently molested.[175]

By 1872 the war and its effects were unmistakeably on the wane and party politics was beginning to find other problems and issues around which to crystallize. The Republicans entered the fight each election thereafter, only to lose;[176] but through these struggles the state was led into a higher plane of development. The Democrats were not always united, with the conflict going on between those who looked backward for their inspiration and those who looked forward; but they could generally close their divided ranks in the face of the enemy.[177] The struggle now and then called forth such characterizations as this one which was applied to the Frankfort convention in 1873: "The resolutions adopted are well enough as a declaration of abstract principles; they approach John Randolph's notion of 'a fanfarade of abstractions.' For a stand-still party nothing could be better. . . . At this day when great interests are changing, when new questions are constantly springing up, no party can hope to secure popular sympathy and support by a mere declaration of fundamental principles, however time-honored they may be."[178]

But the state could never completely get away from all the memories of the war; nor were there any so forgetful of deeds of bravery or oblivious to the ennobling effects of honor and heroism

[173] Quoted in *Kentucky Yeoman,* Aug. 17, 1871.

[174] About thirty negroes voted the Democratic ticket in Frankfort. *Kentucky Yeoman,* Aug. 10, 1871. The *Georgetown Weekly Times* stated that "Billy Brown was the only negro in Owen County who voted the Democratic ticket. As he handed in his ticket he delivered himself in this wise: 'I'se a Democrat, dyed in de wool; I'se an honest nigger, and votes wid my friends. I has plenty while dese Radical niggers, half of em' hab no meat at home.'"

[175] Some disorders marked this election in Frankfort, Lexington, and Paris. Collins, *Kentucky,* I, 216; *Georgetown Weekly Times,* Aug. 9, 1871.

[176] The first time the Republicans carried the state for a president or governor was in 1896; when McKinley received its electoral vote and William O. Bradley was elected governor.

[177] The *Cincinnati Commercial,* Dec. 2, 1870, said, "Both wings growl and bespatter each other with mud, but when the occasion arises for actual separation and a clear field, a well matched foe and a fair fight, one or the other wing 'gives under,' crawfishes and all is 'lovely and the goose hangs high.'" Greeley carried the state by a majority of only 10,000. Collins, *Kentucky,* I, 232, 234; *Georgetown Weekly Times,* Nov. 13, 1872.

[178] *Cynthiana News,* May 8, 1873.

as so to desire. Of this heritage the state might well be proud; it would banish only the base and unbecoming animosities. In September, 1872, a "Peace Reunion" was held in Louisville in the form of an industrial exposition dedicated to the works of peace, where " 'one hundred thousand' patriots 'shake hands across the bloody chasm.' "[179] This reunion was "a declaration on the part of the people that they are tired of war passions in time of peace and a protest against the pains and penalties and proscriptions which have been fostered upon the limbs of one section of the Union. It is an appeal for reconciliation more significant than the edicts of kings or the proclamations of presidents, because it comes from the phantom Monarch, Public Opinion, before which even kings and presidents must bow."[180]

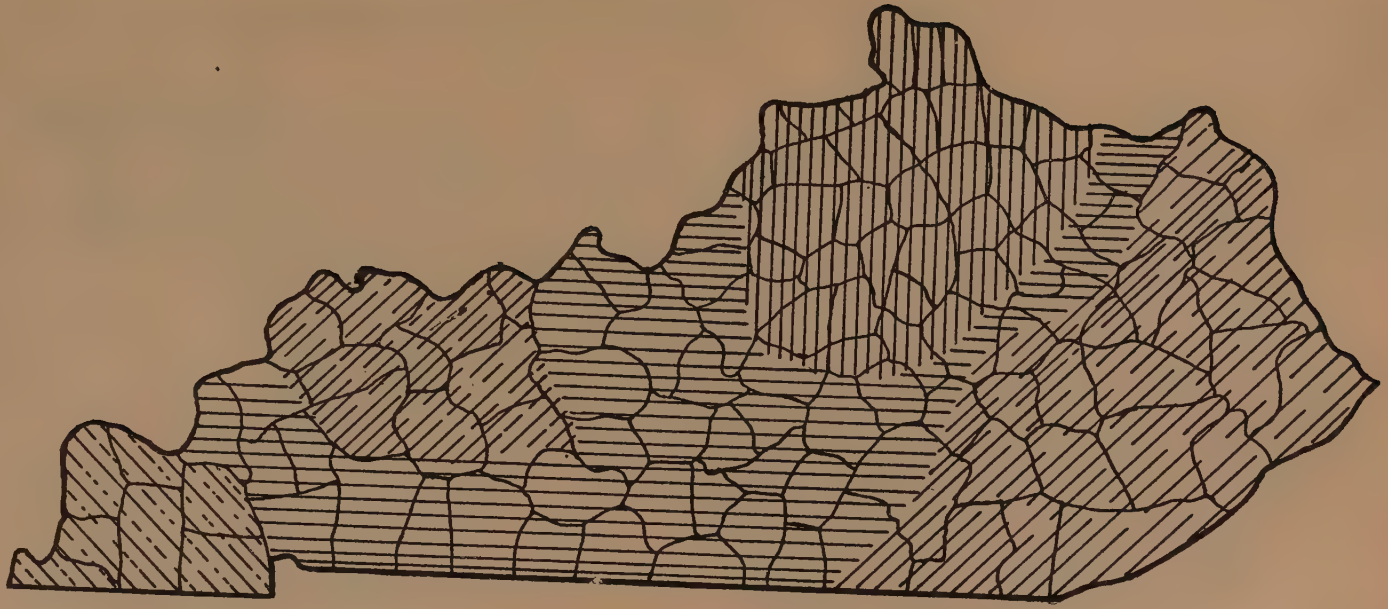
Kentucky underwent a solemn struggle within herself before she entered the war; but when once in she fought with determination and bravery. Long before the struggle was over, coming to feel that the purposes and promises of the war were being perverted, she assumed a highly critical attitude toward the Federal authorities, which remained to color her views when peace came. She now showed herself more Southern in habits of thought and sympathies, than, perhaps, any part of the former Confederacy itself. She posed as the champion of the states beset by the carpet-bagger, and carried her proscription of Union men in her own borders so far as almost to bring down reconstruction on her own head. It was often remarked that she waited until after the war was over to secede from the Union. Kentuckians were preëminently a political people, and especially so during the period of the war and immediately thereafter, and it is only through an insight into their politics that some of their most outstanding characteristics appear. So completely embroiled in their own party battles and rivalries were they, that they took little time to develop their rich natural resources, about which they were just now coming to learn. Her material development was far short of that of her neighbors to the north, but she continued to maintain an individuality that gave a special significance to the name *Kentuckian* wherever it was heard.

[179] *Georgetown Weekly Times,* Sept. 18, 1872.

[180] *Courier-Journal,* Sept. 11, 1872. Editorial. See also Collins, *Kentucky,* I, 231. The presidential election of this year undoubtedly in part suggested this exposition.

MAPS

There is a striking simularity of details among these maps on geology, slavery, tobacco, taxable wealth, the gubernatorial election of 1859, and volunteering to the Federal armies. In general it shows the relation between the geology of the state and the thought and conduct of its people. More particularly it goes to prove that the slavery interests had attached themselves to the Democratic Party after the break-up of the Whigs; also that the wealth of the state gravitated to that party (the Democratic Party had previously been the "poor man's" party in Kentucky); that the rich Blue Grass region had no heart for the Federal side; and that volunteering to the Federal armies was greatest in the poorer sections of the state. This result is, however, little more than striking proof of what was to be expected. The eastern Kentuckians remained true to the Democrats until the war began, as a lingering sentiment from the days of Jackson; but during the war they revolted against the wealthy slave-owners and supported vigorously the Federal side, joined the Republican Party after the war, and have remained in it since.



KENTUCKY GEOLOGICALLY

The perpendicular lines represent the Ordovician (Blue Grass Region).
The horizontal lines represent the Mississippian; the diagonal lines running northward to the right represent the Coal Measures. Both of these regions are Carboniferous.
The diagonal lines running northward to the left represent the Quarternary.

SLAVERY IN KENTUCKY IN 1860

Counties lined horizontally had 2,000 slaves and over.
Counties lined perpendicularly had under 2,000 slaves.
The figures represent the number of thousands. Counties having fewer than 1,000 are marked 0.

TOBACCO PRODUCTION IN 1860

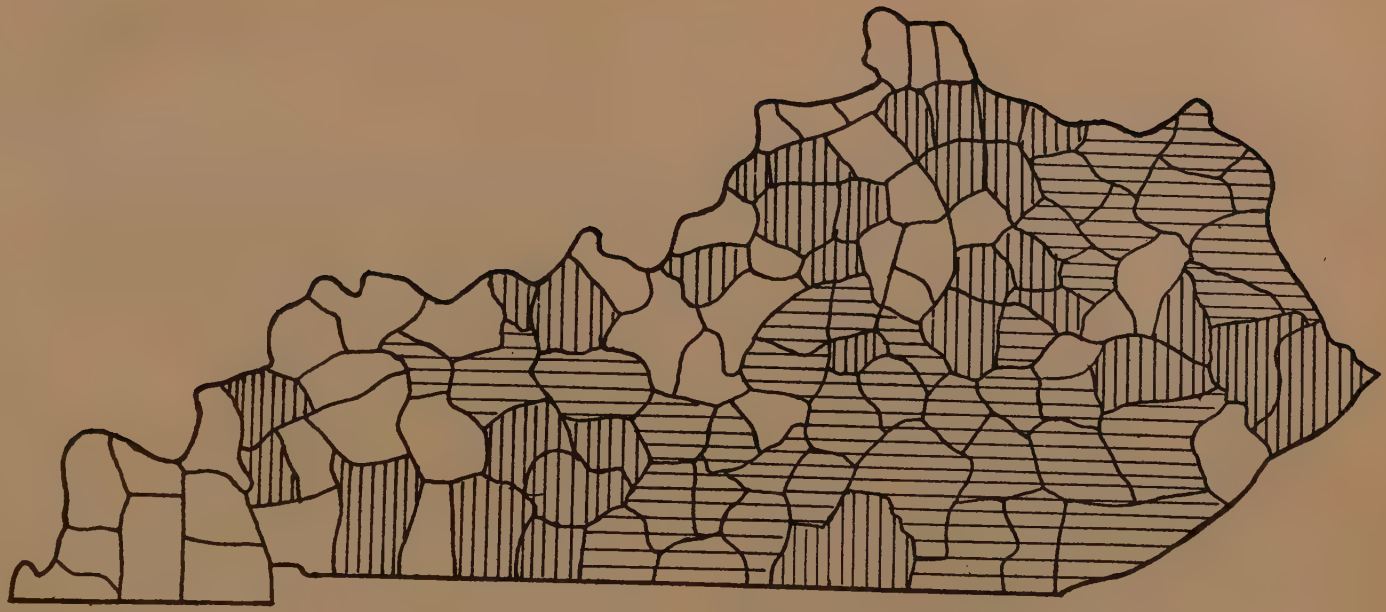
The counties lined perpendicularly raised more than 1,000,000 pounds each. The figures represent the number of pounds in millions.

TAXABLE PROPERTY IN 1855

Horizontal lines show counties having property valued at $2,000,000 and over.
Perpendicular lines show the counties having less than $2,000,000 in taxable property.
The figures represent the number of millions. Counties having less than $1,000,000 are marked 0.

GUBERNATORIAL ELECTION, 1859

Counties horizontally marked voted Democratic.
Counties perpendicularly marked cast their vote for the Opposition.
The other two counties did not vote.



VOLUNTEERS TO THE FEDERAL ARMIES UP TO NOVEMBER 1, 1863

Horizontal lines indicate counties furnishing 50% and more of men subject to military duty.
Perpendicular lines indicate counties furnishing 25% to 50% of men subject to military duty.
The other counties furnished less than 25% of men subject to military duty.
Information based on statistics in "Annual Report of the Adjutant General, January 1, 1864" in *Kentucky Documents*, 1863, pp. 15, 16.

THE VOTE IN THE KENTUCKY HOUSE OF REPRESENTATIVES ON THE CINCINNATI SOUTHERN RAILROAD BILL, JANUARY 25, 1871.

Horizontal lines show the counties voting for the bill.
Perpendicular lines show the counties voting against the bill.
Counties unruled did not vote.
The Louisville and Nashville Railroad system is represented by the continuous line with cross bars.
The line indicated by dashes represents the proposed route of the Cincinnati Southern Railroad.
The line composed of dots and dashes represents the Central of Kentucky Railroad.

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MANUSCRIPT COLLECTIONS

Breckinridge Manuscripts. This collection of more than 30,000 pieces is in the possession of the Library of Congress, and extends from Revolutionary times almost to the present day. Rich in material for the period of this study, it consists mostly of letters to Robert J. Breckinridge, to his son, William C. P. Breckinridge, and much correspondence between father and son.

The *John C. Breckinridge Manuscripts,* a separate collection, has recently been acquired by the Library of Congress, but it is not open to the investigator. Assurances have been given, however, by authorities in the Manuscript Division of the Library that it contains practically no material after 1860.

Crittenden (John Jordan) Papers. This collection, owned by the Library of Congress, is valuable for the early period of the Civil War. Crittenden died in 1863.

Durrett Collection. This collection is housed in the Library of the University of Chicago. It contains little that relates to the Civil War and Reconstruction period.

Harrison, (James O.) Collection. This is a scrap-book collection of letters and newspaper clippings, in the possession of Harrison Simrall of Lexington, Kentucky.

Holt (Joseph) Papers. The Library of Congress owns this collection. These papers are made up almost exclusively of letters to Holt, and are particularly valuable for the neutrality period. A few Kentuckians, of the Radical group, kept Holt, who was in Washington, informed on affairs in the state as they saw them.

Stevenson (Andrew and John White) Papers. This collection is in the Library of Congress. The material here concerning Kentucky is very scanty.

Watterson Manuscripts. This collection is in the Library of Congress. It is surprisingly bare of material for the period of this study.

NEWSPAPERS

Cincinnati Commercial, 1860-1872. This paper was strongly for the Union at all times and took a special interest in affairs in Kentucky, where it served as an outlet for Union sentiment. After the war it was one of the strongest forces the Kentucky Radicals possessed. It was ably edited by Murat Halstead throughout this period.

Cincinnati Gazette, 1860-1872. As far as policy and purpose were concerned, the *Gazette* was much the same as the *Commercial,* mentioned above. It appeared in both daily and semi-weekly editions. E. B. Mansfield and Richard Smith were editors of it throughout this period, and Whitelaw Reid was connected with it from 1861 to 1865.

Courier-Journal, 1868-1872. This paper was established in 1868 by the consolidation of the *Louisville Courier* and the *Louisville Journal* and published daily at Louisville. It became famous through its distinguished editor, Henry Watterson. During this period, it took a very progressive attitude toward conditions in the state. Although always Democratic in politics, it stood for reconciliation between the North and the South, and fought the "Bourbon Democracy" for its narrowness.

Crisis, The, 1861-1863. This paper was published in Columbus, Ohio, beginning in the latter part of January, 1861. It is particularly valuable for the period of neutrality as it took a special interest in the trade situation in the Ohio Valley produced by the attempt of the Federal Government to shut off commerce with the South. It was strongly State-Rights in sentiment.

Cynthiana News, 1873. This paper was a weekly, published at Cynthiana, and edited by A. J. Morey. It stood for the Liberal Democracy, being in fact a brilliant satellite of the *Courier-Journal,* with its "New Departure" policy.

Frankfort Commonwealth, 1861-1871. This paper was issued at various times as a weekly, semi-weekly, tri-weekly, and daily. It had a rather consistent record of Unionism during the war, and afterwards it stood for the most respectable group opposing the Confederate Democracy. A. G. Hodges ably edited it for a time.

Georgetown Weekly Times, 1870-1872. Among the weekly "Country press" this paper was foremost. It stood squarely for the undiluted Democracy and withal was ably edited.

Illinois Weekly State Journal, 1861-1863. In politics the *Journal* was for the Union. It is valuable for the insight it gives into the clash of sectionalism in the Ohio Valley during the period of neutrality and the first years of the war.

Kentucky Gazette, 1867. The *Gazette* was published weekly in Lexington. Its general tone was higher than the average level among the journals of the day. In addition to its strong Democratic tenets, it took a progressive attitude toward education, internal improvements, and the general economic and social welfare of the state.

Kentucky Statesman, 1860, 1872, 1873. This paper was published in Lexington as a semi-weekly and later as a weekly, by S. R. Smith. It was a rather mediocre journal, standing for the less intelligent group of Radicals.

Kentucky Yeomen, 1861-1872. The *Yeoman* was a paper of strong convictions. It stood for secession and when war came it was forced to become colorless to escape suppression. After the war it became one of the strongholds of the Confederate Democracy. S. I. M. Major edited it for a time, and was succeeded in 1867 by J. Stoddard Johnston, who brought much literary merit to its columns. It was issued three times a week, except when the legislature was in session and then it became a daily.

Lexington Observer and Reporter, 1865-1870. With the exception of the Louisville dailies, this paper was one of the most influential journals in the state. Edited by William C. P. Breckinridge and later by G. W. Ranck it assumed the leadership in the Blue Grass region, holding firmly to the traditional Democratic principles. It was published semi-weekly, with also a weekly edition.

Louisville Commercial, 1870. The *Commercial* was the first Republican paper of influence and ability to be set up in the state. It eschewed the office-seeking scandal-monging Radicals, and came out for the best interests of the state, supported by the intelligent class of Republicans. It was a daily.

Louisville Courier, 1861. This paper boldly came out for secession and refused to be scared into silence. In September (1861) when the state abandoned neutrality, the paper was suppressed by Federal authority, and Walter N. Haldeman, the editor, was forced to flee to the South to escape arrest. At various points in the Confederacy he continued to edit it, and when the war was over he returned to Louisville, continued the *Courier,* and assumed leadership of the Confederate Democracy. It was combined with the *Louisville Journal* in 1868.

Louisville Journal, 1861-1868. This paper stood without a peer in influence and leadership in Kentucky and had a fame and reputation that was national. George D. Prentice made it so, aided by Paul R. Shipman. The *Journal* rejoiced when the state abandoned neutrality; but within a few months it saw every promise Lincoln had made broken and the war perverted to coercion and vengeance. Prentice became one of the most bitter and outspoken critics of Lincoln; but when the strife was over he repented of his hostility to the dead President. However, he never lost

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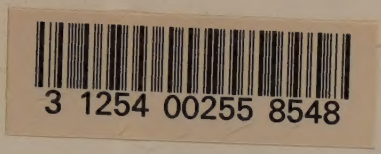
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